101

China

Charles Denby

May 1, 1896.

November 30, 1896

2519 - 2653

DIPLOMATIC BUREAU
JUN 11 1896

ASSISTANT SECRETARY
JUN 11 1896
DEPARTMENT OF STATE.

No. 2519

Legation of the United States,
Peking, May 2, 1896.

INDEX BUREAU
RECD.
JUN 10 1896
DEPT. OF STATE

Mr. Denby to the
Secretary of State.

Dupl. to Rec'd. G. M. Gen. & Com. June 11, Pers. June 11.

Subject: Chinese Postal System.

Synopsis:
China is about to establish a National Postal System.

№ 2519

Legation of the United States,
Peking, May 2, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform the Department that China is about to enter the Postal Union.

A memorial was presented to the Emperor on the 20th March last by the Tsungli Yamen asking His Majesty's sanction for the extension of the present Customs

Postal

Postal system upon Western lines and suggesting that China should enter the Postal Union. Reference is made in the Yamen's memorial to a proposition presented to the Throne by Chang Chih-tung, late acting Viceroy at Nanking, on the 17th of January last, to which His Majesty replied that the Yamen should inform that officer that the matter had been considered by the Yamen and that a scheme had already been arranged which had received Imperial approval.

I am informed that a

point

point made in the Yamen's
memorial is that it is
as important and essential
that a proper Governmental
Postal system should be
established in China as
the building of railways
and that the Government
should appoint a high
officer to undertake the
general management of the
Postal Department; that
the outlay would be small
in comparison with the
amount of revenue that
would be derived from it,
and that the fact must
not be lost sight of that
that benefit would accrue

to

to the commercial classes and people generally of the Empire; that at Shanghai and other ports there are the separate Post offices of the British, French American, German and Japanese - all of which countries have entered the Postal Union.

The Yamen also presents to His Majesty statistics of the revenue derived from the United States and British Postal services for the past 18 years, - the former an average of $64,209,490 and the latter from 30,000,000, to 40,000,000 taels

tails. In support of the scheme, reference is made to the memorials presented by Li Hung-chang and others, which resulted in the establishment of the present Customs Postal system by Sir Robert Hart which has worked admirably.

Sir Robert Hart, Inspector General of Customs, is to be the Postmaster General and the branch offices at the treaty ports are to be in charge of the Commissioner of Customs. Officers will be appointed after due consultation with the Postal authorities and the Chinese

Chinese officials concerned
to take the management of
the Branch offices to be
established at the non-treaty
ports and inland cities.
Many of the officers will
no doubt be taken from the
Chinese private postal or
courier services, - a move
that will no doubt prevent
any opposition to the carrying
out of the Governmental
system by these companies.
His Majesty having approved
of the scheme proposed, it
now awaits being carried
into effect by the Postmaster
General. It is believed that
Sir Robert Hart will shortly visit the
treaty

treaty ports for the purpose of organizing the service. There are forty four rules prepared by Sir Robert Hart which were submitted to the Throne and received the sanction of the Emperor. They are divided under four headings:

1st The receipt and distribution of mails within the treaty ports.

2d The receipt and distribution of mails at the treaty ports from and to the interior.

3d The receipt and distribution of foreign mails at the treaty ports.

4th General regulations for the management

management of the service.

The Postmaster General is to cooperate with the Tsungli Yamen in all matters affecting the service, while at the treaty ports the commissioner of Customs is to confer with the Superintendent of Customs, in like manner, as they now do in regard to Customs questions.

Shanghai being the most important port in China and on account of its immense business, it is proposed to appoint a special officer as Postmaster. This officer will be statistical secretary of Customs, for the time being, and

and all questions arising at the branch offices at the ports are to be first submitted to him and he in turn will refer them to the Postmaster General.

Governmental Post offices will be established in place of the present Customs post offices at the following ports: Peking, Tientsin, Newchwang, Chefoo, Chungking, Ichang, Shashih, Hankow, Kiukiang, Wu Hu, Chinkiang, Shanghai, Soochow, Hangchow, Ningpo, Wen Chow, Foochow, Amoy, Swatow, Canton, Chiung chow, Pakhoi, Mengtzu, and Lung chow.

There

There are to be the following branch offices:- at Tangku and Taku under Tientsin; at Woosung under Shanghai; Chen Hai under Ningpo; Pagoda Anchorage under Foochow; Whampoa under Canton; Lu Shi K'ou under Shashih; Wu Hsueh and Hu Kou under Kiukiang; An ching and Tatung under Wu Hu and Nanking under Chinkiang. These offices will be in charge of officers appointed by the Commissioner of Customs and Superintendent of Customs.

Other branch offices, that it

it may be found, later,
necessary to establish, are
to be conducted on the
above principle.
Notices will be issued by
by the Post offices at Peking,
Tientsin, Chefoo, and
Newchwang regarding the
transmission of mails
overland during the months
when navigation is closed.
The transmission of mails
from the Chinese Governmental
Post offices to the Union
Countries will be in accordance
with the rules adopted by
the International Postal
Union.
Rates of postage and the
General

general rules, more in detail, governing the working of the service will be duly promulgated after China has inaugurated the service and entered the Postal Union.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

2520

DIPLOMATIC BUREAU COPIED FOREIGN RELATIONS
JUN 11 1896

No 2520.

Jaeckh
June 11.

Legation of the United States.

INDEX BUREAU
REC'D.
JUN 10 1896
DEPT. OF STATE

Peking, May 2nd, 1896.

Mr. Denby to the

Secretary of State.

Subject

The claim of the American Baptist Mission Union.

Synopsis

This claim has been presented to the Tsungli Yamên.

No 2520.

Legation of the United States.

Peking, May 2nd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In my despatch No 2479, of February 14th last, I informed you that I had received from Consul Chied a claim against the Government of China, in favor of the American Baptist Missionary Union, for damages suffered by the riots which occurred in Szchuan last spring. I therein asked to be instructed as to

whether

whether this claim should be presented *in toto* as demanded. I also intimated that I preferred to present a general claim rather than specific items — claiming damages in gross.

Having had an intimation from the Tsungli Yamen that it was anxious to settle this claim, I sent to them today a statement of the gross amount demanded: to wit sixteen thousand one hundred and eighty dollars (16.180^{00}), and asked payment thereof. The answer will be reported to you.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

TELEGRAM RECEIVED IN CIPHER.

2D ASSISTANT SECRETARY.

MAY 4 1896

From Peking, May 4, 1896.

Received 12.04 P.M.

Confirmed May 5 96

DEPARTMENT OF STATE

MAY 4 1896

OLNEY,

Washington.

Will leave on the fourteenth for Japan sixty days.

Request confirmation Secretary of Legation Chargé d' Affairs.

Denby.

2521. file

DIPLOMATIC BUREAU
JUN 11 1896

No. 2521.

Legation of the United States.

Peking, May 4th, 1896.

INDEX BUREAU
REC'D.
JUN 10 1896
DEPT. OF STATE

Mr. Denby to the

Secretary of State.

Subject

Confirms telegram will leave fourteenth

No. 2521.

Legation of the United States.

Peking, May 4th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to confirm on the overleaf my telegram of this date.

I shall pass my leave in Japan and any communication addressed to me personally can be sent in care of the Legation at Tokio.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

Telegram

Will leave on the fourteenth for Japan sixty days - Request confirmation Secretary of Legation Chargé d' Affaires

Derby.

DIPLOMATIC BUREAU
JUN 11 1896

No 2522.

Legation of the United States.

INDEX BUREAU
REC'D.
JUN 10 1896
DEPT OF STATE

Peking, May 6th, 1896.

Mr. Denby to the

Secretary of State.

Subject

Confirms telegram approving leave.

No 2522.

Legation of the United States.

Peking, May 6th, 1896.

To the Honorable

Richard Olney.

Secretary of State,

Washington, D.C.

Sir:

I have the honor to confirm your telegram of the 11th instant as follows:

"Sixty days absence approved. Secretary acts "Delarge"

I renew my thanks for this leave of which I shall avail myself on the 11th instant.

I have the honor to be, Sir,

Sir,

Your obedient servant,

Charles Denby

COPIED. FOREIGN RELATIONS.

ASSISTANT SECRETARY
JUN 11 1896
DEPARTMENT OF STATE.

No 2523

Legation of the United States,

Peking, May 7th, 1896.

INDEX BUREAU
REC'D.
JUN 10 1896
DEPT. OF STATE

DIPLOMATIC BUREAU
JUN 11 1896

Mr. Denby to the

Secretary of State.

Advis. June 11.

Subject:

The Partition of Indo-China.

Synopsis:

Copy of Declaration made by England and France relating thereto enclosed.

One enclosure.

No 2523.

Legation of the United States,
Peking, May 7th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

1
2523

I have the honor to enclose a clipping from the North China News of the 30th ultimo being a "Declaration between Great Britain and France with regard to Siam and the Upper Mekong. Signed at London, January 15, 1896."

I have the honor to be,
Sir,

Sir,
Your obedient servant,
Charles Denby

Enclosure:
Clipping from North China News.

Enclosure in No 2523

THE PARTITION OF INDO-CHINA.

Declaration between Great Britain and France with regard to Siam and the Upper Mekong. Signed at London, January 15, 1896.

"The undersigned, duly authorised by their respective Governments, have signed the following declaration:—

"I.—The Governments of Great Britain and France engage to one another that neither of them will, without the consent of the other, in any case, or under any pretext, advance their armed forces into the region which is comprised in the basins of the Petcha Bouri, Meiklong, Menam, and Bang Pa Kong (Petriou) Rivers and their respective tributaries, together with the extent of coast from Muong Bang Tapan to Muong Pase, the basins of the rivers on which those two places are situated, and the basins of the other rivers, the estuaries of which are included in that coast; and including also the territory lying to the north of the basin of the Menam, and situated between the Anglo-Siamese frontier, the Mekong River, and the eastern watershed of the Me Ing. They further engage not to acquire within this region any special privilege or advantage which shall not be enjoyed in common by, or equally open to, Great Britain and France, and their nationals and dependents. These stipulations, however, shall not be interpreted as derogating from the special clauses which, in virtue of the Treaty concluded on the 3rd October, 1893, between France and Siam, apply to a zone of 25 kilom. on the right bank of the Mekong and to the navigation of that river.

"II. Nothing in the foregoing clause shall hinder any action on which the two Powers may agree, and which they shall think necessary in order to uphold the independence of the Kingdom of Siam. But they engage not to enter into any separate agreement permitting a third Power to take any action from which they are bound by the present declaration themselves to abstain.

"III. From the mouth of the Nam Huok northwards as far as the Chinese frontier the thalweg of the Mekong shall form the limit of the possessions or spheres of influence of Great Britain and France. It is agreed that the nationals and dependents of each of the two countries shall not exercise any jurisdiction or authority within the possessions or sphere of influence of the other.

"The police of the islands in this part of the river which are separated from the British shore by a branch of the river shall, so long as they are thus separated, be entrusted to the French authorities. The fishery shall be open to the inhabitants of both banks.

"IV.—The two Governments agree that all commercial and other privileges and advantages conceded in the two Chinese Provinces of Yunnan and Szechuen either to Great Britain or France, in virtue of their respective Conventions with China of 1st March, 1894, and 20th June, 1895, and all privileges and advantages of any nature which may in the future be conceded in these two Chinese provinces, either to Great Britain or France, shall, as far as rests with them, be extended and rendered common to both Powers and to their nationals and dependents, and they engage to use their influence and good offices with the Chinese Government for this purpose.

"V.—The two Governments agree to name Commissioners delegated by each of them, who shall be charged to fix by mutual agreement, after examination of the titles produced on either side, the most equitable delimitations between the British and French possessions in the region situated to the west of the Lower Niger.

"VI.—In conformity with the stipulations of Articles XL of the General Convention concluded between Great Britain and the Regency of Tunis on the 19th July, 1875, which provides for a revision of that Treaty 'in order that the two contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse and to the advancement of the interests of their respective people,' the two Governments agree at once to commence negotiations for replacing the said General Convention by a new Convention, which shall correspond with the intentions proposed in the article above referred to.

"Done at London, the 15th of January, 1896.

"(L.S.) SALISBURY.
"(L.S.) ALPH. DE COURCEL."

No 2524.

DIPLOMATIC BUREAU
JUN 11 1896

INDEX BUREAU
REC'D.
JUN 10 1896
DEPT. OF STATE

Legation of the United States.

Peking, May 7th, 1896.

— Mr. Charles Denby —

to the

— Secretary of State —

— Subject. — Rec'd June 11.

Requisition for stationery.

— Synopsis —

Requests that Instruct of 10th of October 1895, be forwarded as soon as convenient, &c.

——— - - - ———

No 2524.

Legation of the United States.
Peking, May 7th, 1896.

To the Honorable
Richard Olney.
Secretary of State.
Washington, D.C.

Sir:—

On the 10th of October last, I forwarded a requisition for stationery supplies for this Legation. As the articles indented for have not as yet arrived, I shall feel obliged if the Department will see that they are forwarded as soon as convenient.

I also make a further requisition for articles that are needed for this Legation.

I have the honor to be,
Sir,
Your obedient servant.
Charles Denby

COPIED. FOREIGN RELATIONS.

ASSISTANT SECRETARY
JUN 11 1896
DEPARTMENT OF STATE.

DIPLOMATIC BUREAU
JUN 21 1896

Agreed read July 10 96

No 2525.

INDEX BUREAU
RECD.
JUN 10 1896
DEPT OF STATE

Legation of the United States,
Peking, May 9, 1896.

Mr. Denby to the
Secretary of State.

Dpl. Ans. June 11.
Ark.

Subject:
The American Baptist
Missionary Union claim.

Synopsis:
The claim has been ordered
to be paid by China.

No 2525.

Legation of the United States,
Peking, May 9, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No 2520 of the 2d instant I reported to you that I had requested the Tsungli Yamen to pay the American Baptist Missionary Union claim for $16,180 on account of damages for injuries suffered in Szechuan in 1895.

I

I have now the honor to report that this sum of money has been ordered to be paid to Consul General Jernigan. Strictly it should have been paid to the Consul at Hankow, but the Yamen represented that it could be more conveniently paid at Shanghai, and I acquiesced.

It is proper to mention that the Viceroy of Szechuan reported that two Swedes & Norwegians claimed $4,000 damages. The Yamen inquired of me whether these claims were included in the general claim

claim of the Union. I
answered that no Swedish
or Norwegian claim had
ever been presented to me;
that I knew nothing about
such claims, and that I
did not believe that they
were included in the
general claim. I said,
however, to make the
matter sure and to protect
China against paying any
claim twice, I would
instruct the Consul General
to ascertain before he paid
the money to the Baptist
Union, whether the gross
sum demanded by it did
include any portion of the
Swedish

Swedish a Norwegian
claims and if it did, he
would await my instructions
before paying out the money.
Taking the amount of the
Swedish a Norwegian
claims into consideration, I
do not believe that they
were included in the
claim of the Union, but
I could not ascertain here
the names of the
non-American claimants,
and as Missionary Associations
often employ men of divers
nationalities, I thought it
best to be sure of the point
before paying the money
over. I have instructed
the

Consul General in the
sense stated.
The claim I made was
in gross, and no item
whatever was specified.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DIPLOMATIC BUREAU
JUN 11 1896

ASSISTANT SECRETARY
JUN 11 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
JUN 10 1896
DEPT. OF STATE

No. 2526.

Legation of the United States,
Peking, May 9th, 1896.

Mr. Denby to the
Secretary of State.

Subject:
Baptist Missionary Union
claim.

Synopsis:
Mr. Read deserves credit for
assistance rendered to me
in collecting the claim.

No 2526.

Legation of the United States,
Peking, May 9th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No 2525 of the 9th instant I informed you that the American Baptist Union claim was settled.

It is proper to state that Consul Read was instrumental in securing this settlement. I advised him that it was desirable that

that a speedy settlement should be secured and a presentation of the claim in regular form by me avoided, and suggested his wiring to the Provincial judge at Chengtu to have the claim paid. He did so, and also wired to the representatives of the claim, thereby creating some expense for which he ought to be reimbursed. He also enlisted the influence of the Viceroy at Tientsin in the matter, and he advised payment of the claim.

I found my labors with the Yamen considerably lightened

lightened by Mr. Read's
action and I desire to give
him credit for his services.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Received June 23.

DIPLOMATIC BUREAU
JUN 22 1896

No 2527.

Legation of the United States.

Peking, May 14th, 1896.

Mr. Denby to the

Secretary of State.

Subject

Has taken charge of the Legation.

No 2527.

Legation of the United States.

Peking, May 14th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform you that Minister Denby has left Peking, in accordance with leave granted him by the Department, and that, in obedience to your telegraphic instructions of the 4th instant, I have this day taken charge of this Legation in the capacity of Chargé d'Affaires ad interim.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

DIPLOMATIC BUREAU
JUN 22 1896

ASSISTANT SECRETARY
JUN 22 1895
DEPARTMENT OF STATE

No 2528.

Legation of the United States.

INDEX BUREAU
RECD.
JUN 22 1896
DEPT. OF STATE

Peking, May 14th, 1896.

Mr. Denby Jr. to the

Secretary of State.

Rec'd June 23.

Subject

Mr. Sydenstricker's loss by robbery paid.

Synopsis

Mr. Sydenstricker, American missionary of Ching-chiang-fu, accepts $100 Mex. as compensation for loss by robbers in November 1894.

One enclosure.

No 2528.

Legation of the United States.

Peking, May 11th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

On the 2nd of September 1895, this Legation received a letter from Mr. A. Sydenstricker, an American missionary, stating that in November of the previous year he had been attacked by two soldiers, in the vicinity of Ching-chiang-fu, in the province of Kiangsu, by whom he was beaten and robbed of a cart and

a

a mule, for which assault and robbery he had hitherto been unable to obtain redress. Demand for reparation was at once made on the local officials by this Legation, through Consul Jones at Chinkiang, which demand has now been met by the payment to Mr. Sydenstricker of $100. Mex. which he accepts as compensation for his loss. A copy of Mr. Sydenstricker's letter to this effect is enclosed herewith.

1/2528

I have the honor to be, Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

Enclosure:

Mr. Sydenstricker to Mr. Denby
April 30th 1896.

Enclosure in No: 2528.

Copy.

Changking, April 30th, 1896.

Col. Chas. Denby,
U. S. Minister,
Peking.

Sir:

I wish to notify you that the hsien magistrate at Ts'ing Kiang-pu has paid me $100 in full in compensation for the loss of cart and mule in Nov. 1894.

I also wish to thank you for bringing this affair to a successful issue.

Believe me,

Yours truly,

(S'g'd) A. Sydenstricker.

Copy.

Cincinnati, March 30th, 1881.

Col. Chas. Denby,

U. S. Minister,

Peking.

Sir:

I wish to notify you that the paten_____ is entitled to

receive from China the sum of $100 in full in compensation for

the loss of cart and mule in Nov. 1881.

I also wish to thank you for printing this matter to

a successful issue.

Believe me,

Yours truly,

(S.E.D) A. Sydenstricker.

Ack. Should rights of American
appear to be in danger, you will
communicate with Dept for further
instructions.
WWR

DIPLOMATIC BUREAU
JUL 3 1896
3rd. ASST. SECRETARY
JUL 3 1896

No. 2529.

Legation of the United States,
Peking, May 20th, 1896.

INDEX BUREAU
RECD.
JUL 1896
DEPT. OF STATE

Mr. Denby Jr. to the
Secretary of State.

Answd. July 6.

Subject:
French and Russian Concessions
at Hankow.

Synopsis:
In the recently granted French
and Russian Concessions at
Hankow is included land
belonging to foreigners of
other nationalities who protest against
passing under French and Russian jurisdiction.

No. 2529.

Legation of the United States,
Peking, May 20th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

This Legation has received from Mr. Child, U. S. Consul at Hankow, a despatch enclosing copies of official notes, of date 30th April, from his French and Russian colleagues, stating that the French and Russian Ministers and the Tsungli Yamen have agreed upon and definitely marked out the limits

limits of the recently granted French and Russian Concessions at that port. The boundaries of these concessions are set out in the notes of the respective Consuls, which notes conclude as follows:

"You may rest assured, Sir
" and dear Colleague, that
" the properties of foreign
" subjects which ipso facto
" and in full right become
" part of the Russian [French]
" Concession will enjoy the
" same protection as those
" belonging to Russian [French]
" subjects."

Consul Child reports that some of the land conceded is owned

owned by persons of other nationalities who will protest against the two Governments assuming control of their property, and I am informed by the British Minister that such protests are now in his hands. In general it would seem that no valid concession of rights over the property of a citizen of one foreign government, such property having been antecedently and legally acquired, could be made to another foreign government without the consent of said proprietor. In the present case, however, the matter is complicated by

by a claim on the part of the French authorities that they are merely taking possession of a tract of land granted in 1863, their title to which, though not hitherto asserted, has not lapsed.

It is not apparent from Mr. Child's despatch that the interests of any American citizen are concerned in this controversy. Should, however, the rights of Americans be prejudiced in this manner the Chinese authorities should be so informed and held accountable therefor. In this sense I have replied to Mr. Child.

I

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d' Affaires ad interim.

DSP

Ask. Kapherine action
10 Aug 13

3rd. ASST. SECRETARY.
JUL 3 1896

No 2530.

INDEX BUREAU
REC'D.
JUL 3 1896
DEPT. OF STATE

Legation of the United States.

Peking, May 20th, 1896.

Mr. Denby Jr. to the

Secretary of State.

DIPLOMATIC BUREAU
JUL 3 1896

Received July 7.

Subject

Missionary establishment at Chü-chou-fu.

Synopsis

The Southern Presbyterian Mission fails in an attempt to establish a station at Chü-chou-fu, in Kiangsu, and appeals to this Legation. Favorable orders being secured from the Yamên, Mr. Denby advises them to try again.

One enclosure.

No 2530.

Legation of the United States.

Peking, May 20th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to report that, in December last, Messrs Grier, White and Patterson, of the Southern Presbyterian Mission of the United States, attempted to purchase a piece of land for missionary purposes at Chü-chou-fu, in Kiangsu. To this end they procured, through Consul Jones of Chinkiang, a proclamation permitting

permitting the purchase of property and assuring protection. Armed with this, they proceeded to said locality, where they took up their residence in an inn and began the search for a site. After about twenty days residence without incident, they were abruptly informed by the innkeeper that they must immediately leave or his inn would be destroyed and other injuries befall him. They appealed to the magistrate for protection and were informed that they would be protected and the rooms they occupied but that no protection would be afforded the innkeeper nor his inn. Yielding to the innkeeper's entreaties

they

they left the place, being convinced that the attitude of the magistrate had made it impossible for them to purchase land.

On the 19th December last they laid their case before this Legation and, on receipt of their letter, Minister Denby addressed the Yamên, denouncing the attitude of the magistrate as contrary to the spirit of the Berthemy Convention and asking that the local officials be ordered themselves to select a piece of ground for them. To this the Yamên replied that they had written the provincial authorities to order the magistrate "to deal satisfactorily

"satisfactorily with the case as
"the treaties and the Berthemy
"Convention require".

This reply was forwarded to
the said missionaries but
seems not to have been received.

On the 16th instant, I received
another letter from them, asking
what course they should
pursue. In reply I have instructed
them, relying on the Yamen's
orders, to make another private
effort to secure land and I
have informed them that should
such effort be deemed inadvisable
by them or should it, on trial,
fail, I would ask the Yamên
to call upon the magistrate himself
to find a lot for them.

1/2530

Dr.

In this case there has been an entire absence of popular hostility. The missionaries were baffled only because the magistrate had shown a want of firmness in the enforcement of their treaty rights and had countenanced the animosity of a small anti-foreign faction.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim.

Enclosure:

Mr. Denby, Chargé, to Messrs. Grier, Patterson and White, Shanghai.

May 16th 1896.

Enclosure in No 2530.

LEGATION OF THE UNITED STATES,

Peking, May 16th, 1896.

Messrs Grier, Patterson and White,

Care of Mr. C.N. Caldwell,

Shanghai.

Dear Sirs:

I have received your letter, without date, referring to previous correspondence and asking the best course for you to pursue to establish yourselves in Chü-chou-fu, in Kiangsu.

On receipt of your previous letter, forwarded on January 6th by Consul Jones, Minister Denby wrote the Tsungli Yamen, detailing the circumstances which attended your attempted location at that city. He denounced the action of the magistrate in authorizing the purchase of land and secretly using influence to nullify such authorization as a violation of the Berthemy Convention, and he recommended that the magistrate himself be ordered to find a lot which you might buy and in the possession of which you should be protected.

On the 2d February the Yamen replied stating that they "had written the provincial authorities concerned to order the "said magistrate to deal satisfactorily with the case as the "treaties and the Berthemy Convention require."

This reply was communicated to you in an unofficial letter which you do not seem to have received.

It is for you to decide whether, in view of these orders another attempt to buy land similar to your former one would have reasonable prospects of success. Should you consider this inadvisable or should difficulties be encountered, it remains to call upon the magistrate himself to find a lot for you. To this

proposition the Yamen has raised no objection and this Legation is prepared to insist upon it. In this case I request you to fix upon some time at which you will proceed to Chü-chou-fu and give this Legation ample telegraphic notice in advance. The Yamen will then be asked to notify the officials that you are about to proceed thither and to order them to cooperate with you in the purchase of a site. The Consul at Chinkiang, with whom you should consult, will also be instructed to communicate your intention at the same time to the Viceroy at Nanking.

I am, Sirs,

Your obedient servant,

(S'g'd) Charles Denby Jr.,

Charge d' Affaires ad interim.

No 2531.

Legation of the United States,
Peking, May 22, 1896.

INDEX BUREAU
RECD.
JUL 3 1896
DEPT. OF STATE

Mr. Denby Jr. to the
Secretary of State.

Subject:
Acknowledgment of despatches.

No. 2531.

Legation of the United States,
Peking, May 22, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows: No. 1255, 1256, 1257, 1258, 1259 of April 6th and 1260 of 7th April.

I have the honor to be,
Sir,
Your obedient servant.

Chas. Denby Jr.
Chargé d'Affaires ad interim

e

Ack. with thanks.

3rd. ASST. SECRETARY
JUL 3 1896

10073

No 2532.

Legation of the United States.

INDEX BUREAU
RECD.
JUL 3 1896
DEPT. OF STATE

Peking, May 22nd, 1896.

Mr. Denby to the

Secretary of State.

✓ Ans'd July 6. To Mary To July 8

Subject

Russian jetty at Chefoo

Synopsis

The grant by China to Russia of the right to build a jetty at Chefoo has been protested against by English proprietors of the foreshore. Incident is premonitory of conflict of English and Russian influence in China.

No 2532.

Legation of the United States.

Peking, May 22nd, 1896.

To the Honorable

Richard Olney,

Secretary of State.

Washington, D.C.

Sir:

The concession by the Tsung-li Yamên to Russia of the right to build a jetty at Chefoo, in alleged infringement on the rights of British merchants, has attracted such attention that some explanation of the matter seems desirable.

Messrs Fergusson & Co., British merchants, are and long have been

been proprietors of a jetty at Chefoo and of the foreshore adjoining it. Recently the Russian Minister applied to the Yamën for permission to build a jetty, adjoining that of Jerguson & Co., and off their foreshore, for the use of the ships of the Russian Steam Navigation Company plying, via Chefoo, between Vladivostock and Shanghai. The English firm protested against this concession as prejudicial to their rights. The Yamën attempted to evade the difficulty by offering to build a large public jetty, open to all flags, but the Russian Minister insisted on a separate Russian jetty and the Yamën finally

yielded

yielded.

The matter is now in the hands of the British Legation but no settlement has been arrived at. China will probably be held accountable for any damage which may result from concessions granted in derogation of the rights of others. This case has been refered to in the Reuter's telegrams from London and has been the subject of hostile comment by the English press at Shanghai. This incident, together with the similar case of concessions at Hankow, refered to in my despatch No. 2529, of the 20th instant, may be regarded as premonitory of the conflict of British and Russian

interests

interests which the increased political and commercial activity of Russia in China is sure to bring about.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d' Affaires ad interim

COPIED. FOREIGN RELATIONS.
DIPLOMATIC BUREAU JUL 15 1896
ASSISTANT SECRETARY JUL 15 1896 DEPARTMENT OF STATE.

No 2533.

Legation of the United States.

INDEX BUREAU RECD. JUL 11 1896 DEPT. OF STATE

Peking, May 23rd, 1896.

Mr. Denby Jr. to the

Secretary of State.

Rec'd July 24.

Subject

Anti-missionary riot at Kiangyin

Synopsis

Property of American Southern Presbyterian Mission destroyed at Kiangyin. No personal injuries inflicted. Local settlement of case promised.

One enclosure.

No 2533.

Legation of the United States.

Peking, May 23rd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to

1/2533

enclose, herewith, a clipping from the North China Daily News giving an account of an anti-missionary riot which occured at Kiangyin in the province of Kiangsu on the 12th instant. It will be seen that though the property of an American Mission was looted and destroyed

no

no personal injuries were inflicted.

Kiangyin is situated on the south bank of the Yangtze River, one hundred miles west of Shanghai and sixty miles east of Chinkiang. A Catholic cathedral is located there and there were, two years ago, thirty seven chapels in the district. In 1894 a station of the Southern Presbyterian Mission of the United States was located there in the face of considerable opposition. It is the premises of this mission which have now been destroyed.

On the 17th instant, I received an unofficial note from one of the ministers of the Yamên, informing me that riots had broken out

at

at Kiangyin, where American interests were concerned, but he gave no details thereof. I at once telegraphed to the United States consul at Chinkiang asking if any American had suffered thereby. The same day, the consul telegraphed in reply as follows:

"Two Americans safe here.

"Immediate settlement probable;

"ringleader [in] prison".

No further communication has been received on this subject and it is to be hoped that the case will be promptly settled without appeal to the central government.

The missionaries who wish to

obtain

obtain land at Chii-chou-fu,
refered to in my despatch No. 2530,
of the 20th instant, are of the same
mission as those at Kiangyin
and work in the same vicinity.
I have accordingly telegraphed
Consul Jones suggesting that, in
settling the Kiangyin case, he
attempt to reach some understanding
regarding Chii-chou-fu also.

I have the Honor to be,
Sir,
Your obedient servant,
Chas. Denby Jr.
Chargé d'affaires ad interim

Enclosure:
Clipping from the North China
Daily News of the 16th May, 1896.

Enclosure in No. 2533.

THE RIOT AT KIANGYIN.

(FROM OUR OWN CORRESPONDENT.)

THE ORIGIN.

In my telegram of yesterday I notified you of the riot at this place. Now as to some of the particulars. For the past few days there has been a great number of rowdies collecting here. These men acted as assistants to a quack doctor who has for some time past been giving us trouble. This man had concocted a scheme by which he hoped to make a nice squeeze out of us through the family who had rented property to us. The matter was settled in such a manner as was satisfactory to the parties immediately concerned, but our enemy lost face in the settlement and he was determined to be revenged. Accordingly, yesterday in that part of the city nearest the Mission property a placard was posted stating that the missionaries had two children hid under their house. At two o'clock this quack doctor came into the chapel followed by a great crowd of roughs evidently bent on mischief. They demanded to be allowed to search the place for the children. This was refused, the missionaries stating that if the search were made the magistrate must do it. An attempt was made to "rush" the chapel door leading to the dwelling house, when your correspondent

DREW A PISTOL,

stating that he would use it on the first man who touched the door. This awed the crowd and a determination to carry out what was said kept them in check. My colleague, the Rev. L. L. Little, with a native assistant went for the magistrate. In the meantime the crowd, now becoming large, was restrained with difficulty. After about an hour and a half the magistrate with about a dozen runners came. We stated our case to him and insisted on a search of the place. He did so, but found nothing. The man who was leading the trouble then came forward and said the children were buried in the back yard. He was ordered to find them if he knew. He made a pretence of looking at various places, then looked up at the fence wall as if identifying the place, walked to the fence, and began digging under some shavings and rubbish like one possessed. In a few minutes, to our horror, he threw out a package roughly done up in coarse matting. Being ordered to open it he did so, revealing a child about eighteen months old that had been dead between fifteen and twenty days. The official turned to the missionaries and said: "How long have you had that thing here? You see, you all see, that it is a child. What have you to say for yourselves?" We could only answer, of course, that we knew nothing of it. The package was then sent out through the crowd that had grown to several hundreds. When they saw and comprehended what it meant—so confirmatory a proof of all their reports and beliefs—such a yell of rage went up as a man hears only once in a life-time. Every man was carrying poles, sticks, knives, hoes or reaping hooks and they were yelling "Kill the barbarian devils!"

THE OFFICIAL

had no control of the crowd whetever. Thinking that they could not possibly face such a crowd, with such a piece of condemnatory evidence, the missionaries determined to make for the forts. Driving the crowd back into the front yard at the point of a pistol and saying the first man would be shot who came back, they made a dash for the back fence, and found a way out through a neighbour's house. They then made a long circuit, but were seen and pursued more than a mile. Finally they reached the forts very much exhausted, but not otherwise injured. Fortunately there were no women or children in Kiangyin at the time. The property was completely looted, everything being carried off, and the building dismantled. Doors and windows were broken and the flooring prized up and carried off.

THE SOLDIERS CALLED OUT.

This morning I learned from authoritative sources that the trouble in the city is growing serious. The Honan soldiers have been called out and so far as we can see, every effort is being made to quiet the people. The missionaries' assistant and servants have been taken to the magistrate's *yamên* and imprisoned. The missionaries are leaving this evening for Chinkiang to put the case in the hands of the U.S. Consul. They have, however, to record their grateful thanks to Mr. John Jürgens, head foreign instructor at the forts, for his kind protection and generous hospitality.

13th May.

DIPLOMATIC BUREAU.

ASSISTANT SECRETARY JUL 15 1896 DEPARTMENT OF STATE.

No 2534.

Dpl. Bur.

Ack. file.

INDEX BUREAU REC'D. JUL 11 1896 DEPT. OF STATE

Legation of the United States.

Peking, May 25th, 1896.

Mr. Denby to the

Secretary of State.

acked Dec 19 96

Subject

American enterprises in China.

Synopsis

American manufacturers and financiers showing much interest in China. A statement of the plans of the more prominent companies and syndicates represented here.

Office for publication in Consular Reports.

No 2534.

Legation of the United States.

Peking, May 25th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to report that the interest which American capitalists, railroad and ship builders are taking in China seems to be on the increase.

Among there the American Trading Company of New York, London, Yokohama and Shanghai, has been the longest in the field.

In

In addition to its usual business of exporting and importing, this Company has recently become the agent of the Tramp Ship-building Company and of the Union Iron Works. It also represents an American railroad syndicate and has submitted bids for the building of a railroad from Soochow to Chinkiang and for the building of an electric tramway in the foreign concession at Shanghai. These bids have not, as yet, been accepted. During the past winter this company was also agent for an American banking syndicate and entered into negotiations for a loan to China. It is this same company that has secured a

Concession

concession for a railroad from Chemulpo to Seoul, in Corea, and that has sold two ships on behalf of the Tramp Company to the Japanese Government.

Mr. A. W. Bash, of Port Townsend, Washington, is the representative at Peking of a wealthy combination of capitalists in New York who wish to secure railroad, mining and other contracts in China. This syndicate has organized a company called the <u>American China Development Company</u>, incorporated under the laws of the State of New Jersey. Their plans are far-reaching and comprehensive, but they have not yet been brought to a sufficiently definite form

to

to justify a report thereon. It is supposed, however, that they will confine their attention to North China and that they have, at present, no projects south of the Yangtze River.

The Bethlehem Iron Works have been represented in Peking during the winter by Captain Zalinski, U. S. A., retired. This company wishes to obtain orders for coast defences, armor plates, disappearing guns, quick-firing guns, ammunition etc., and its agent also submitted to the Yamen plans for submarine boats. The Yamen seems at present disinclined to enter on naval reconstruction against which they are

are strongly advised by Sir Robert Hart, Inspector General of Customs. The foreign Customs revenue is now almost entirely pledged to pay the Russian-French and German-English loans of Tls 200-000-000. A further indebtedness of Tls. 50-000-000, on similar terms, would require to meet it the balance of the Customs revenue now remaining, and would leave China without revenue from this source for many years to come. Want of funds will prevent the purchase of a large fleet or great investments in coast defenses.

To another American citizen who

who has recently arrived at
Peking on a financial mission
particular interest attaches.
This is Mr. Yung Wing, a Chinese
by birth, now a naturalized American
resident at Hartford. This is the
gentleman who, in 1872, accompanied
the Chinese Educational Mission
to the United States. He has
recently been ordered to Peking
by the Emperor to discuss with
the Yamen the practicability of
establishing a national banking
system similar to that of the
United States. Such a system,
if honestly and intelligently
carried out, could be made to
relieve China of a great part of
her present financial burdens
and

and put her currency upon a better footing. No difficulty would be found in taking up several hundred million taels of bonds, to form the basis of a banking circulation, but it is not certain that the money which the Government would so obtain would be wisely used.

Mr. Yung Ching has the advantage of speaking Chinese perfectly. He dresses in Chinese costume and he is in intimate social relations with the ministers of the Yamên and other high officials.

All of these companies and agents have resorted to this Legation for assistance and advice, which have been freely and impartially

given

given. They have been aided by introductions to Chinese officials, by the making of translations and by unofficial assurances of the standing of the firms they represent. In the international competition at present existing in China some recognition on the part of this Legation is essential to prevent unjust discrimination against American enterprise. Great care, however, has been exercised to give no official endorsement to plans presented.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

ASSISTANT SECRETARY
JUL 15 1896
DEPARTMENT OF STATE.

No 2535.

Legation of the United States,
Peking, May 27th, 1896.

INDEX BUREAU
REC'D
JUL 11 1896
DEPT. OF STATE

Mr. Denby Jr. to the
Secretary of State.

See letter to
Gr. Lv. Wills
Sept 1896

Subject:
Tennessee Centennial Exposition.

Synopsis:
Invitation will be delivered.

No. 2535.

Legation of the United States,
Peking, May 27th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your unnumbered despatch, of the 13th April last, with regard to the invitation extended to the Emperor of China and his people to participate in an exposition which is to be opened on May 1, 1897, at Nashville, Tennessee

Tennessee.

The enclosure will be informally delivered to the Yamen as you have instructed.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d' Affaires ad interim

COPIED. FOREIGN RELATIONS.

ASSISTANT SECRETARY
JUL 15 1896
DEPARTMENT OF STATE.

No 2536.

Legation of the United States,
Peking, May 30th, 1896.

INDEX BUREAU
RECD.
JUL 11 1896
DEPT. OF STATE

DIPLOMATIC BUREAU
JUL 15 1896

Mr. Denby Jr. to the
Secretary of State.

Answ'd July 24

Subject:
The Kiangyin Riot.

Synopsis:
Report of Consul enclosed.

One enclosure.

No 2536.

Legation of the United States,
Peking, May 30th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

Referring to my despatch No 2533, of the 23rd instant, regarding the Kiangyin riots, in which the property of the Southern Presbyterian Mission was destroyed, I have the honor to enclose, herewith, a copy of a despatch received to-day from Consul Jones at Chinkiang giving

1
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giving a full account of the incident and of the steps he has taken to secure protection and redress. It is believed that there will be no difficulty in reaching a satisfactory local settlement of this case.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosure:

Mr. Jones to Mr. Denby No. 238 May 20th, 1896.

Enclosure 1 in Mr. Denby Jr.'S No. 2536.

Copy.

CONSULATE OF THE UNITED STATES,

Chinkiang, May 20th, 1896.

Sir:

I have the honor to inform you beyond what my telegram conveyed, that a serious disturbance occurred at Kiangyin, within this Consular district, on the 12th instant, in which the American Southern Presbyterian Mission at that place was attacked by a mob of several hundred people, the premises broken and torn and robbed of the furniture and personal effects. There were two American missionaries occupying the premises at the time, Messrs. R. A. Haden and L.L. Little, who succeeded in making their escape unharmed, to a neighboring fort, and came on here the next day and laid their complaint before me.

The circumstances of the disturbance, as related to me by Messrs Haden and Little, are as follows:

These missionaries had rented the house in which they live for a period of 10 years, and had paid the rent for 5 years, in advance. About ten days before the disturbance, a Chinese man known as the "Doctor", and of doubtful reputation, came to see the missionaries (the same man who was employed by the Rev Mr Du Bose in the purchase of some property at the same place two years or more ago) stating that he called at the instance of the proprietor of the premises, to take away the windows and doors of the house, which, he claimed, were not included in the articles of lease, or in lieu thereof to pay him $100. This the missionaries declined to do. A few days after the proprietor himself called, he said, to induce them to extend the period of the lease one more year, and pay him the rent in advance, and that he would, in further

Enclosure 1 in No. Dated Jan. 25, 1921.

COPY.

CONSULATE OF THE UNITED STATES,
CHRISTIANIA, NEW 2024, 1921.

SIR:

I have the honor to inform you herewith that the Norwegian Government has received information, coming to see the known as the "Doctor", and to complete information, that a Chinese man misrepresentation (the same man who was employed by the Hon Mr. du Bois in the interpose of some property at the same time) two years ago in this country, and that he called at the interpose of the proprietor more than once, stating that he was the owner of the premises, to take view the situation and decide if some of the rooms, or the whole, he claimed, were not included in the structure of rooms, or to do. A two days after the proprietor phoned, called, he said, to extend the period of the lease one more year, to induce them to do $100. Late the misrepresentation continued in like manner to pay him $100. Late the misrepresentation continued

manned, to a metaphorical toff, and came on here the next day and told [illegible] me.

The circumstances of the disturbance, as reported to me, seem to be as follows:

These misrepresentations had reached the ears of the owner, and had been the cause of a letter, in Chinese man to a period of 10 years, before the disturbance, a Chinese man

[illegible] L.L. Riffle, who succeeded in making that report [illegible] Hagen and

[illegible] to the interests of the premises as the time. Respectfully, A. B.

Norwegian Government [illegible] to the Norwegian Government [illegible]

[illegible] to the interests of the premises [illegible] Chinese [illegible]

[illegible] Consulate [illegible] the premises [illegible] Chinese [illegible]

[illegible] to several hundred people, the premises [illegible] and [illegible]

[illegible] to the interests and personal effects. That [illegible] Chinese

[illegible] occupying the premises as the time. Respectfully, A. B.

[illegible] L.L. Riffle, who succeeded in making that report [illegible] Hagen and

manned, to a metaphorical toff, and came on here the next day and told me.

further consideration, give them a feast. This they agreed to, and paid the additional rent. The feast was given, but, in some way, the "Doctor" the intermediary, was left out of the entertainment, and "lost face."

A few days after this, one morning, at day light, the next door neighbor, a widow-woman, gave an alarm, crying out "robbers etc." The missionaries ran out and found a back gate open, and evidences of some person or persons having been inside. They thought that some one had been there to steal their pigeons, and paid no more attention to it. The next night, the servants of the house discovered a man in the back yard and tried to catch him, but he got away. Some three or four days subsequent to this, on the 12th of May a mob of a hundred or more people led by this "Doctor" came to the house with the intention, he said, to search the premises for two missing children. They were denied admission It was known later that placards were posted that morning announcing this search. In the meantime the crowd was greatly increased in numbers, and the Magistrate was sent for, who, in a little while came, accompanied by about a dozen runners of the Yamen. The missionaries told him that there was a report that two missing children were concealed on their premises, and that the mob had come to search for them, and requested that he, the Magistrate, would make the search and thus allay the excitement and suspicion of the people. The Magistrate made the search and nothing was discovered. At this point the "Doctor" came forward and told the Magistrate that he knew the missing children were concealed in the house, or on the premises, and that he could find them. The Magistrate told him to make the search. He proceeded immediately to the back yard, and pointed the place where the children were buried. The proper implements were provided him, and he was

It was known later that bruises were noted that morning uncon-
cing this matter. In the meantime the crowd was greatly increased
in number, and the Magistrate saw near [illegible] of the Yemen.
write came, accompanied by about a dozen members of the Yemen.
The missionaries told him that there was a report that two mission
children were concealed on their premises. And that the son had
come to search for them, and requested that he, the Magistrate,
would make the search and that all the excitement and agitation
of the people. The Magistrate made the search and brought new
discovered. At this point the "Doctor" came forward and told
the Magistrate that he knew the missing children were concealed
in the house, or on the premises. And that he could find them.
The Magistrate told him to make the search. He proceeded forth-
ivity to the back Yard. and pointed the place where the children
were found. The proper implements were provided him, and he saw

was told to dig, and did so. In a few moments a bundle was unearthed, wrapped in a coarse matting, which, upon being opened disclosed the dead body of an infant about 18 months old, and that apparently had been dead 15 or 20 days. Upon this the Magistrate turned to the Missionaries and said "here is a dead child found buried on your premises what have you to say about it." By this time the crowd greatly augmented was much excited and had began crying out "kill the foreign devil" etc.. The Magistrate attempted to quell the disturbance with his unarmed runners, but all ineffectually. The fort was only ten minutes away, but he did not send for assistance from the soldiery, and the mob, unopposed, wrecked the house and looted its effects. The missionaries made their escape through the back premises and reached the fort in safety and soon after came here.

On this statement being made to me, I immediately communicated it to the Taotai, and requested that he telegraph the Magistrate to arrest the rioters and investigate the circumstances of the matter. The Taotai sent a Deputy to Kiangyin, to make a searching investigation and to report. This Deputy has not yet returned. In the meanwhile the Viceroy has ordered a speedy settlement.

I should be glad of any advice, or suggestions concerning the affair.

The commanding officer of the U.S. Cruiser"Boston", now at Shanghai, on learning of the trouble through a letter from me to Consul General Jernigan, and whose ship is undergoing some repairs, sent an officer to confer with me, in the event a demonstration should be required, to show to the Chinese officials and people that the American Government is watchful of the interests of her citizens, and will no longer tolerate this spirit of

was told to dig, and did so. In a few moments a bundle was unearthed, wrapped in a coarse matting, which, upon being opened disclosed the dead body of an infant about 18 months old, and that apparently had been dead 15 or 20 days. Upon this the Magistrate turned to the Missionaries and said "here is a dead child found buried on your premises what have you to say about it." By this time the crowd greatly augmented was much excited and had began crying out "kill the foreign devil" etc.. The Magistrate attempted to quell the disturbance with his unarmed runners, but all ineffectually. The fort was only ten minutes away, but he did not send for assistance from the soldiery, and the mob, unopposed, wrecked the house and looted its effects. The missionaries made their escape through the back premises and reached the fort in safety and soon after came here.

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of outrage on the part of Chinese mobs. I do not yet know the temper of the officials in the matter, as they await the report of the Deputy sent to the scene, before receiving any demands I may make. But I do not anticipate any obstructions in the settlement of the affair.

I shall endeavor in the settlement of the Kiangyin affair, as you suggest in your telegram, to secure at the same time the property at Chu Chou-fu for the Presbyterian Mission.

I have the honor to remain,

Sir,

Your obedient servant,

(S'g'd) A. C. Jones

Consul.

Hon Charles Denby Jr.

Charge d' Affaires of the United States,

Peking.

Hon. Charles Denby Jr.

Charge d' Affaires of the United States.

Peking.

Sir:

I have the honor to transmit
herewith a copy of a communication addressed to me
by Mr. C. A. Jones
(2,3,4) Consul.
of Antung on the part of Chinese maps. I do not yet know the
number of the officials in the matter, as they were the report
of the deputy sent to the scene, before receiving any demands
I may make. But I do not anticipate any obstructions in the
settlement of the affair.

I shall endeavor in the settlement of the Kiangyin affair,
as you suggest in your telegram, to secure at the same time the
property at Chun Chou-li for the Presbyterian Mission.

ADJUTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE

No 2537.

INDEX BUREAU
REC'D.
JUL 18 1896
DEPT. OF STATE

Legation of the United States.

Peking, June 1st, 1896.

Mr. Denby Jr. to the

Secretary of State.

Answ. July 24

DIPLOMATIC
JUL 21 1896
BUREAU.

Subject

Native Christians' troubles at Swatow.

Synopsis

Chinese Catholics commit aggressions on Chinese Baptists at Ku Chi, Chao Yang District, near Swatow. American missionaries allege Catholics receive French support. U.S. consul reports justice cannot be obtained at Canton. Mr. Denby appeals to Yamên. Papers enclosed.

Eight enclosures.

No.

Legation of the United States.

Peking, June 1st, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to bring to your attention a case of a conflict between native converts of the American Baptist missionaries and converts of the French Catholic missionaries, at a place called Ku Chi [or Kho Khoi or Ko Koi], near Suatow in Kwangtung, which has reached serious dimensions and in

which

which the American missionaries have invoked the aid of this Legation.

This case was first reported in a despatch, from Consul Seymour at Canton, received here on the 17th of April, in which he stated that "a notorious robber," named Chin A-ming, had been received into the Catholic Church and that, relying on the protection thus afforded, he and his confederates were defying the local authorities and pillaging the native Baptists; that Chin himself had been captured by the Baptists in an assault upon their village and handed over to the authorities and that the Catholic missionaries

were

were exerting themselves to secure his release. Mr. Seymour reported that he and the French consul at Canton were discussing the case with the missionaries and the officials and that some satisfactory arrangement of the case seemed probable.

On the 14th ultimo, however, I received a telegram reporting that the troubles were unsettled, that a native "Catholic bandit" had died from wounds received during the assault above mentioned, and that the French authorities were interfering in the matter. I reported the matter to the Yamên in a despatch of the same date. The details at hand were insufficient

to

to make a full statement but it
was requested in general that
the Viceroy at Canton be instructed
"to order the local authorities
"to deal justly with the rioters
"and neither to protect wrong-doers
"nor to ill-treat innocent people
"because of being adherents of a
"foreign faith". To this the Yamên
3 replied, under-date of the 18th
ultimo., intimating that the case
was simply a dispute between
Christians of different denominations
and promising vaguely "to deal
justly with the matter".

On the 23rd ultimo I received
4 a letter dated May 9th, from
Wm Ashmore, an American Baptist
missionary at Swatow, enclosing

a

a letter from two of his fellow missionaries and also a detailed statement of the case.

5/ On the 23d and 25th ultimo, I

6/ received two other telegrams from Mr. Seymour, indicating that the measures taken by the authorities were too much influenced by the French authorities.

7/ I accordingly wrote again to the Yamen, on the 26th, giving a brief account of the case, insisting that it could not be dismissed as "a case of a fight between "the French Catholics and American "Protestant converts", but that it was "a case of a lawless "attack upon an American chapel "and the attacking party showed

"be punished by the Chinese
"authorities whether Catholic or
"not". I invoked in behalf of the
Protestant converts Article XXIX
of the Treaty of Tientsin and
concluded by asking that no steps
be taken against the American
missionaries' converts without a
thorough examination into the case
and to permit no injustice to be
done them.

8/ To this the Yamên replied in a favorable tone, stating that a copy of my despatch had been sent to the Viceroy at Canton and that telegraphic instructions had been sent him to investigate the case and see that it be dealt with in accordance with justice.

The

The history of this case is sufficiently set forth in the missionaries' statement [enclosure No 4]. The receiving of Chin A-ming into the Catholic Church is an instance of a practice justly complained of by Chinese officials on the part of foreign missionaries. The ministers of the Yamên often urge that undue zeal and want of discrimination in accepting applicants for church membership are most fruitful sources of anti-missionary and anti-foreign feeling. The attempt to extend protection to a desperado like Chin is utterly indefensible and the French Consul's interference in his

his behalf is to be regretted. Consular interference on one side, however, makes consular interference on the other necessary unless we are to abandon american missions and their converts to injustice.

In writing to the Yamen and in talking to them on this question I have maintained the position that it is incumbent on China to treat native Christians, of whatever denomination, with impartial justice without reference to their religious faith. In letters from the missionaries and from Consul Seymour, copies of which it seems unnecessary to enclose, the request me to

Consul

consult with the French Minister
on this matter and come to a
decision on the question "Whether
"the Governments of the United
"States and France and China
"will permit priests or missionaries
"of any nationality or denomination
"to thus interfere with the course
"of pretice towards criminals and
"outlaws?"

I have not considered it
advisable, at present, to enter
into discussion with the French
Minister on this subject for two
reasons: First - China should
be given an opportunity to do
justice towards Americans and
their converts independently
of other powers; Second - The

French

French Minister, Monsieur Gérard, from his position as official protector of the Catholic Church in China and from his personal attitude of hostility to Protestant Missions, cannot be relied upon to approach the controversy in a spirit of impartiality.

Should the Yamên propose that the subject be referred to our two Legations it will be necessary to reconsider this decision.

I report the proceedings in this case up to this time to the Department in the apprehension that further reference thereto will be inevitable.

I have the honor to be,

Sir,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosures:

1. Mr. Seymour to Mr. Denby, Telegram, May 14, 1896.

2. Mr. Denby to the Yamên No. 13, May 14, 1896.

3. The Yamên to Mr. Denby No. 15, May 18th 1896.

4. Statement of Wm. Ashmore, May 9th, 1896.

5. Mr. Seymour to Mr. Denby, Telegram, May 23rd 1896.

6. " " " " " " 25th "

7. Mr. Denby to the Yamên No. 14, May 26, 1896.

8. The Yamên to Mr. Denby No. 16, May 29th 1896.

July 21. 96

Mr Adee.

I am not quite sure that I like Mr Denby's position in this delicate matter. He accepts the ex parte statements of the Chinese ministers and invokes art. XXIX of the treaty of 1858 which does not, I fear quite cover the point. I prefer the position taken by the Yamen, impartial investigation and full and prompt justice. I think he had better drop all side issues in which he may get the worst of it and insist on the Yamen's carrying out its promise. What do you think? WR

2D ASSISTANT SECRETARY.

JUL 21 1896

Mr. Rockhill:

I concur with you in not quite liking Mr. Denby's treatment of this case.

He has backed-water considerably since his first No 2537. His first claim was faulty in resting too much on Art. XXIX of the treaty of 1858. That article simply secures for Chinese Converts freedom from persecution, by China, for apostacy

from the religion of China. It cannot refer to sectarian differences between the Converts themselves. Mr. Denby nearly hit the mark when he said "it is the duty of China as an independent power to deal with it in a spirit of impartial justice." [2537. Enc. 2.]

China cheerfully meets this demand by the action of the Yamên in telegraphing to the Viceroy at Canton "to lose no time in having a proper investigation held and to see that the case is dealt with in accordance

with justice." [2537, Encl. 7.]

The French minister appears to welcome this solution, which insures a fair degree of tardy impartiality.

It is unfortunate that the matter should have drifted away into an issue between the American and French representatives, wherein each, relying on ex parte statements, appears as the apologist and advocate of its own partisans, and wherein, evidence being equally balanced, no solution appears to Mr. Darby except a rather unfortunate compromise to be

reached between himself and the French Minister by which each shall withdraw its complaints and claims and trust to China to keep the peace hereafter.

Such a settlement would leave the merits of the question in the air, and would render the more difficult the task of China in the future. An investigation by China might at least disclose the comparative shares of blame of the two conflicting congregations, and enable China to repress injury as well as keep the peace. In that way only can there

be a prospect of attaining justice.

Hence I endorse your conclusion, that Mr. Denby would do better to "drop all side issues in which he may get the worst of it, and insist on the Yankees carrying out, alone, its promise."

Ever

[Private.
I will sign the instruction if you like, as acting.]

Enclosure 1 in No. 2537. 1.

Mr. Seymour to Mr. Denby Jr.

Telegram. Canton, May 14th, 1896.

Denby,

Peking.

Your prompt assistance needed Chao Yang troubles unsettled becoming serious by recent death of one Catholic bandit wounded while pillaging Khokhoi Baptists Catholics through French Consul demand release bandit chief and expulsion of innocent native Baptist school teacher justice cannot be obtained.

Seymour.

Mr. Seymour to Mr. Dempy 17.

Canton, New Jaly, 1888.

Telegram.

Dempy.

Pekins.

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school teacher Justice cannot be obtained.

Seymour.

Enclosure 2 in No. 2537.

Mr. Denby Jr. to the Tsungli Yamen.

No.13. May 14th, 1896.

Your Highnesses and

Your Excellencies:

I have the honor to inform you that some weeks ago I received a despatch from the United States Consul at Canton stating that during the Month of March serious acts of violence were committed at a place called Ko Koi, in the Chao Yang District of Kwangtung, in which native Christians, both Catholic and Protestant, were involved. The Consul urged the authorities to restore peace, to stop the pillage, arrest the pillagers and deal with them according to justice, and thus it was hoped the affair would terminate. I have to-day, however, received a telegram from him saying that the troubles were still unsettled and were becoming serious, that other outbreaks had occurred and that a native Christian had lost his life. It is feared that natives of the Protestant Faith will be unjustly oppressed etc.

I have the honor to state to Your Highnesses and Your Excellencies that though this matter involves native Christians it concerns subjects of China alone, and it is the duty of China as an independent power to deal with it in a spirit of impartial justice.

I request you to telegraph to the Viceroy at Canton to order the local authorities to deal justly with the rioters and neither to protect wrong-doers nor to ill-treat innocent people because of being adherents of a foreign faith.

Gentlemen: [illegible]

Mr. Dennis Kane, of the Kennedy Kames.

No.13. New Iath, 1888.

Your Highnesses and

Your Excellencies:

I have the honor to inform you that some weeks ago I received a despatch from the United States Consul at Canton stating that during the Month of March serious acts of violence were committed at a place called Ko Kol, in the Cho Yang District of Kwangtung, in which native Christians, both Catholic and Protestant, were involved. The Consul urged the authorities to restore peace, to grab the billage, arrest the billagers and deal with them according to justice, and thus it was hoped the matter would terminate. I am co-yet, however, receiving a telegram from him saying that the troubles were still occurred and were becoming serious, that other outrages had manifested and that a native Christian had lost his life. It is tested that natives of the Protestant Faith will be mulusly obbressed etc.

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I request you to telegraph to the Viceroy at Canton to order the local authorities to deal justly with the rioters and protect the people from all-ther innocent bodies because to bring Engleshmen to a foreign trial.

Enclosure 3 in No. 2537.

The Tsungli Yamen to Mr. Denby Jr.

No.15 Peking, May 18th, 1896.

Your Excellency:

On the 14th instant, the Prince and Ministers had the honor to receive a communication from the Charge d' Affaires of the United States, in regard to acts of violence committed at a place called Ku Chi in the Chao Yang District in Kwangtung, reported to him by the U. S. Consul at Canton, in which native Christians-both Catholic and Protestant-were involved. The troubles were still unsettled and were becoming more serious; that a native Christian had lost his life and it is to be feared that natives of the Protestant faith will be unjustly oppressed. The Charge d' Affaires requests that a telegram be sent to the Viceroy at Canton to order the local authorities to deal justly with the rioters and neither to protect wrong doers nor to ill treat innocent people because of their being adherents of a foreign faith.

In answer to this communication, it may be observed that it matters not what religion the natives of the various provinces embrace, if they, as Christians, attend to their own affairs, the people should certainly not purposely oppress them, thus causing a feeling of enmity and hatred among them.

But it often happens that worthless characters embrace Christianity as a means of protection, and when something happens, rumors are circulated. If they commit an offense prohibitted by the laws of China, the local authorities could not, on account of their religious profession, regard them as innocent. (see enclosure 7.)

All foreign missionaries should discriminate between the good and the bad converts and not merely have in mind to

The Imperial Yemen to Mr. Denby 71.

No. 12 Pekin, New Year, 1880.

Your Excellency:

On the 14th instant, the Prince and Ministers had the honor to receive a communication from the Chefoo b. Allisters of the United States, in regard to acts of violence committed on a priest called Ku Chi in the Chao Yang District in Kwangtung. Te-fore duly to him by the U. S. Consul at Canton, in April notified Catholic and Protestant-were invoked. The Christians-both Catholic and Protestant-were recommend more cautious: that a let were still unsettled and were it is to be tested that native Christian had lost his life and if is of to the Protestant faith will undoubtedly appressed. The

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native Christian had lost his life and it is to be tested that

nevives of the Protestant faith will undoubtedly oppressed. The

to hear one side of a story.

In future, Christians or non-Christians, if they treat each other kindly, as matter of course peace and quiet will prevail.

In regard to the Chao Yang affair, it is as the Viceroy of Canton telegraphed, a case of a fight between the French Catholic and American Protestant converts and men were taken prisoners. Troops were ordered a long time since to suppress the fight and the people dispersed. The local authorities have been ordered to deal justly with the matter.

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Catholic and American Protestant converts and men were taken
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Enclosure 4 in № 2537.

Copy.

Mis. № 35/1896.

Received, May 23rd, 1896.

Swatow, May 9th, 1896.

Hon Charles Denby

Legation of the United States,

Peking.

Sir:

We have thought it well to send you a concise summary of the Kho Khoi case to prepare the way for the further statement with accompanying papers to be sent you as soon as we can get them all ready.

An examination of the parties concerned was held at the office of the Chao Yang District Magistrate on May 1st. Rev. Messrs Mc Kibben and Ashmore Jr. were present to witness the proceedings; and also Pere Sordet and Pere Merel the French priests. No decision was reached and matters have been refered to Canton and, as we hope, to be sent on to the Legation as early as possible.

Speaking now for myself, I may state what I consider the attitude of the these parties

1. Our attitude is indicated in the type written statement sent you. We have not varied in our estimate of our American case. It is a case against an outlaw for a midnight assault on our Chapel, and against his confederates for further acts of outlawry. It is not a case against them as Roman Catholics--but as violators of law and order and of our treaty rights.

2. The French priests have come in to shield these men-claiming them as Roman Catholics. Their men inverted the terms of the case, and said that the capture had been made from their Chapel. They have obstructed the case right along and have made the

COPY.

Hon. Horace Gray,
Washington, May 8th, 1880.

Hon Charles Denby

Secretary of the United States,

Peking.

SIR:

We have thought it well to send you a concise summary of the Kao Kuoi case to prepare the way for the further statement with accompanying papers to be sent you as soon as we can get them all ready.

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Speaking now for myself, I may state what I consider the attitude of the three parties

1. Our attitude is indicated in the five written statements sent you. We have not waited in our examination for any American cases. If it is a case against an outlaw for a midnight assault on our Chapel, and against his contemptuous tor trample scorn of authority. It is not a case against them as Roman Catholics--but as rioters to whom and others and to our treaty rights.

2. The French priests have come in to uphold these men-claiming them as Roman Catholics. Their men invaded the house of the case, and said that the capture had been made from their Chapel. They have apprehended the case right alone and have sent the

the Magistrate afraid of the French Government.

3. The Chinese authorities, being very apprehensive of the French, are anxious to get rid of the responsibility of a decision which they the French might not like; and which, they say, might involve them in international complications with the French, of which they have enough already. The District Magistrate who has to do with the affair praised our converts and severely censured the new made Roman Catholic converts, and that in open Court, and in presence of the French priests themselves. That he knows where the truth lies he has confessed privately but dares not so admit officially.

What he therefore and the Taotai are working for, and the conclusions they would be glad to see reached, for expediency sake, are these:

(1) It is an exact tie in the evidence as to where the outlaw was captured whether at our Chapel or theirs.

(2) That being the case let all other questions of losses and damages be arranged between them.

We consider this inadequate as to the first-unjust as to the second. The priests are quite ready for halving things as was the woman in Solomon's judgment.

Yours most truly,

(S'g'd) Wm. Ashmore.

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Yours most truly,

(S'g'd) Wm. Ashmore.

Copy.

Swatow, May 9th, 1896.

Hon. Charles Denby,
U. S. Minister,
Peking.

Sir:

Dr. Ashmore in his letter to you of this date says that he is speaking for himself. We beg to say that we fully agree with what he has written, and that we have the utmost confidence in the essential truthfulness of all that our people have reported to us in this case.

We are respectfully yours,

(S'g'd) Wm. Ashmore Jr.

Wm. K. McKibben.

to us in this case.

We are respectfully yours,

(S.E.D) Mr. Asmore Gr.

Mr. K. Mackippen.

Mr. Asmore Gr. is his letter to you of this date says that

he is expecting to attend. We beg to say that we will agree

with what he has written, and that we have the utmost confidence

in the essential statements to <u>all</u> that two people have reported

to us in this case.

Very truly yours,

Hon. Charles Dempy,

U. S. Minister,

Peking.

.1981 ,wotsmA ,VaN 8th.

Copy.

THE KHO-KHOI (KU-CH'I) CASE IN BRIEF.

I. A Desperado and his Gang.

Over a year and a half ago there was a desperado named Ch'in A Min living near Ku-Ch'i. For crimes committed, robbery and terrorism as the head of an organized gang, he had a price set upon him; he fled the neighborhood and went to a region where Roman Catholics were numerous; he joined them, and then returned, declaring that he was now safe from arrest; he got many to join him, promising them immunity from taxes and other just obligations saying that the Magistrates would not dare to deal with them, he would back them up, and the priests would back him up, and France would back up the priests. He soon had several hundred followers who owned him as their leader, and who differed from his former gang mainly in the fact that they with him claimed the protection of the Roman Catholic name, and now called him "teacher A Ming". Prominently associated with him were certain men Li A Au Li San Erh Li Chin Feng Li A Tieh Li A Wai with some others who acted as his lieutenants. He fixed his headquarters at Ku-Ch'i in the 12th moon of last year, and immediately began as of old, to terrorize the neighborhood.

II. They Raid a Village Magistrate's Office.

The Village Magistrate of Niau A Hi ,a market town, offended the gang by a decision he rendered against one of their number. They raided him some forty or fifty of them. He escaped but they seized his son and imprisoned him at Ku-Ch'i. They compelled the magistrate to submit to their demands, to pay a fine and undergo a public humiliation. This was on Sunday March 1st. 1896 (1st. moon 18th. day). After such a triumph no one dared oppose them, nor did the magistrate dare to report to his

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his superiors their treatment of him, lest he become the object of their vengeance.

III. They Propose to Raid an American Baptist Chapel.

After having finished up the village magistrate Ch'in A Ming announced his purpose to take in hand the worshippers at the American Baptist Chapel. He openly declared that "where there was Lord-of-Heaven-teaching there could be no Jesus-teaching". He further told our people that if they did not speedily submit and give in their adhesion to him they might expect trouble. Seeing that trouble was in store and having no hope of protection from the local magistrate against such a powerful desperado our people hurried a messenger out to Swatow to ask for protection. This was on Wednesday March 4th. (1st.Moon 21st.day). Mr. Consul Streich at once sent in a request for protection to the District Magistrate, but he was slow to act, and before his officers got round the trouble came.

IV. The Raid is made but Ch'in A Ming is captured.

This was on the night of Friday March 6th. 1st moon 23rd.day) Ch'in A Ming with two of his lieutenants came to the American Baptist Chapel soon after dark with abusive language and threats of what they would do. Our people were led to look for an attack that night, and accordingly prepared to defend themselves as best they could. About midnight Ch'in A Ming and his gang, supposed to be a large number from the noise they made, came banging at the doors. A struggle took place in the doorway and in the dark. A Ming in the forefront was stunned by a blow, and thus was captured and held; the rest fled. The main object of this midnight raid was supposed to be the capture of the pastor and the schoolteacher of the Baptist Church. Information of the attack and of

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of A Ming's capture was at once sent to the local authorities with a request that they take over A Ming. The same information was brought out to Swatow without delay, and through the Consul the request was renewed that the Chinese Authorities take charge of A Ming, and also that they suppress further violence from his gang, and secure quiet and protection.

The gang organized and began a fresh attack on Saturday morning, March 7th. (1st.moon 24th.day), intending to recapture A Ming and to make short work with the Baptist Christians. Superior in numbers and weapons they would soon have succeeded but for the timely arrival of messengers from the Yamen both military and civil.

V. Ch'in A Ming's Gang begin plundering the Fields.

On Tuesday March 10th. (1st.moon 27th.), the gang began plundering the fields of our people, sometimes at night, often in broad daylight, and this was kept up day after day in utter contempt of the District Magistrate, who declared himself to be powerless to prevent it until he got more soldiers, although he then had about him some two hundred. He told our people to keep an account of their losses and he would see what he could do about it by and by.

At the same time the gang began erecting a fighting tower to enable them to fire down into the houses and courts of our people. When on the 15th. of March (2nd.moon 2nd.day), the Magistrate went to inspect the tower and the condition of the village in general, they insulted him and hustled him out of the place.

VI. The whole Case Plain and Simple.

It was;

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The American Missionaries, their missionary agents and their church members claiming rights, protection and guarantees under Art.XXIX of the Treaty of Tientsin,

Versus,

I. Ch'in A Ming, Li A Au, Li Chin Feng and others, for assault with violence on their chapel and its inmates.

II. Li A Au, Li Chin Feng, Li San Erh and others of A Ming's gang, for further assault on the persons and property of the Baptist Christians and for pillaging fields as an act of revenge for the capture of a ruffian taken in a midnight assault on the chapel.

What the missionaries and their people asked was briefly and simply this,

I. That Ch'in A Ming be taken over by the Chinese Authorities and tried and dealt with for his assault according to the facts the law and equity. That his confederates implicated with him, be also taken and dealt with in like manner for their offenses.

2. That reparation be made for damages sustained in person and property of those assailed and pillaged by them.

3. That adequate guarantees for future security be given by the Authorities according to the provisions of the treaty.

VII. Justice balked by Roman Catholic Priests.

A case so simple should have been handled at once. And so it would have been but for the obstructions interposed by certain Roman Catholic priests.

They at once claimed Ch'in A Ming and his confederates as Catholics, and alleged that he had been wrognfully seized and abducted. They demanded his immediate and unconditional release, intimating that if this were refused there would be fighting.

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II. Li A Au, Li Chin Feng, Li San Erh and others of A Ming's gang, for further assault on the persons and property of the Baptist Christians and for pillaging fields as an act of revenge for the capture of a ruffian taken in a midnight assault on the chapel.

What the missionaries and their people asked was briefly and simply this,

1. That Ch'in A Ming be taken over by the Chinese Authorities and tried and dealt with for his assault according to the facts the law and equity. That his confederates implicated with him, be also taken and dealt with in like manner for their offences.

2. That reparation be made for damages sustained in person and property of those assailed and pillaged by them.

3. That adequate guarantees for future security be given by the Authorities according to the provisions of the treaty.

VII. Justice balked by Roman Catholic Priests.

A case so simple should have been handled at once. And so it would have been but for the obstructions interposed by certain Roman Catholic priests.

They at once claimed Ch'in A Ming and his confederates as Catholics, and alleged that he had been wrongfully seized and abducted. They demanded his immediate and unconditional release, intimating that if this were refused there would be fighting.

fighting. They also shielded A Ming's confederates from arrest and by the encouragement of their support emboldened them to still greater lawlessness and open defiance of the authorities. In consequence of this encouragement afforded to the gang by the priests, and because of their apprehension that the French Government would back up the priests, the local Authorities have been completely intimidated, and dare not act. To avoid giving offense to either side, and thereby becoming involved in trouble and possible international complications, they propose to have the two parties settle the matter between themselves. The small and weak party that has been wronged is asked to treat with numerous and bold and unscrupulous party of ruffianly assailants for such terms of settlement as they shall be willing to give. So far from their getting a grain of justice, if they come off with either their property or their lives it will not be the fault of men whose assault on the chapel was only the first step in a premeditated and openly avowed policy.

VIII. The Simple Question now is,

"On what basis do our rights as American missionaries engaged in our lawful work rest?" Are they to be made contingent on the pleasure of Roman Catholic priests? Are Chinese Magistrates to be at liberty to slight our treaty rights, to withhold justice, and subject us to a vast amount of loss, imperilling the very existence of our work, just because they are afraid of offending some arrogant priests and a mob of some hundreds of law-breakers whom they have taken under their protection?"

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Enclosure 5 in No. 2537.

Mr. Seymour to Mr. Denby Jr.

Telegram. Canton, May 23rd, 1896.

Denby,

Peking.

Huart myself mailed Khokhoi papers Peking hope our Legations jointly will devise plan settlement afraid Bishop getting approval before Gerard with yourself examines papers both sides Chaoyang magistrate issued warrants against several Baptist Christians because of dead bandit matters critical condition.

Seymour.

Enclosure 5 in No. 6357.

Mr. Seymour to Mr. Denby Jr.

Telegram. Canton, May 23rd, 1898.

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Peking.

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Seymour.

Enclosure 6 in No 2537.

Mr. Seymour to Mr. Denby Jr.

Telegram. Canton, May 25th, 1896.

Denby,

Peking.

Justice impossible while priests intimidate mandarins with threats vengeance France mandarins conceding all demands of bandits and priests against Baptists.

Seymour.

Enclosure 6 in No. 2337.

Mr. Seymour to Mr. Denby Jr.

Telegram. Canton, May 25th, 1899.

Denby.

Peking.

Justice impossible while priests

intimidate mandarins with threats vengeance France

mandarins conceding all demands of bandits and

priests against Baptists.

Seymour.

Enclosure 7 in No. 2537.

Mr. Denby Jr. to the Tsungli Yamen.

No.14 May 26th, 1896.

Your Highnesses and

Your Excellencies:

I have had the honor to receive your despatch of the 18th instant regarding the missionary trouble at Ku Chi in the Chao Yang District of Kwangtung. In this despatch you say that "it often happens that worthless characters embrace Christianity as a means of protection and when something happens rumors are circulated. If they commit an offense prohibited by the laws of China the local authorities could not on account of their religious profession regard them as innocent. All foreign missionaries should discriminate between the good and the bad converts and not merely have in mind to hear one side of a story." X X X X "In regard to the Chao Yang affair", you say "it is, as the Viceroy of Canton telegraphed, a case of a fight between the French Catholic and American Protestant converts and men were taken prisoners. Troops were ordered a long time since to suppress the fight and the people dispersed. The local authorities have been ordered to deal justly with the matter."

It is not proper to regard this as "a case of a fight between the French Catholic and American Protestant converts." It is a case of an attack by lawless characters against an American chapel and the attacking party should be punished by the Chinese authorities whether Catholic or not.

The facts of this case are as follows:

Eighteen months ago a man named Chiu A Min was driven from Ku Chi, where he had committed robbery and other

Enclosure 1 in No.1537.

Mr. Denby Jr. to the Tsungli Yamen.

No.14. May 26th, 1899.

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It is not proper to regard this as "a case of a fight between the French Catholic and American Protestant converts." It is a case of an attack by lawless characters against an American chapel and the attacking party should be punished by the Chinese authorities whether Catholic or not.

The facts of this case are as follows:

Eighteen months ago a man named Chi A Min was driven from Ku Chi, where he had committed robbery and other

other crimes, and a price was set upon him. He fled to a place where Catholics were numerous and, having joined them, returned to Ku Chi declaring that he was now safe from arrest. He induced others to join him under promises of protection. Soon he had several hundred followers who called him"teacher A Ming." Prominently associated with him were certain men Li A Au, Li San Erh, Li Chin-feng, Li A-tieh, Li A-wai and others.

In the first moon of this year Chin and his followers attacked the magistrate's office at Niao A Hi, a market town near Ku Chi. The magistrate escaped but his son was seized and imprisoned at Ku Chi, and the magistrate was finally compelled to submit and pay a fine. Fear of these outlaws prevented the magistrate reporting this incident to his superiors.

After this Chin A Ming began making threats against the worshippers at the American Baptist Chapel, saying that "where there was a lord of heaven teaching there could be no Jesus teaching." Mr. Streich, who has charge of American interests at Swatow, wrote to the District Magistrate on the 4th March last (21st day 1st Moon), asking that protection be afforded. No steps were taken by the magistrate, however, and on the night of March 6th (23rd day 1st Moon) Chin A Ming and his followers attacked the American chapel. They were resisted, a struggle took place and Chin was captured. The local authorities were informed of this, Chin A Ming was delivered to them and they were requested to restore order. On the 7th March, the friends of Chin were about to renew the attack but fortunately messengers from the Yamen arrived and this was prevented.

After this, at frequent intervals, the followers of Chin A Ming plundered the fields of the Protestants both by day and night. The District Magistrate stated that he was unable to afford protection. They even went so far as to construct a

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a fighting tower to fire down into the houses and courtyards of the Protestants. When the magistrate went to look at this tower he was insulted and driven away. This happened on the 15th of March. (2nd Moon 2nd day).

The XXIX Article of the Treaty of Tientsin provides that any person, whether citizen of the United States or Chinese convert, peaceably teaching or practicing the Christian Religion shall not be molested. This article protects both foreign and Chinese Christians. In accordance with it I have the honor to request that Chin A Ming and his associates be seized and punished and that reparation be made to the people whom he attacked. Your Highnesses and Your Excellencies in the despatch quoted above say that "it often happens that worthless characters embrace Christianity as a means of protection", but that if they offend against the laws of China the local authorities could not on account of their religion regard them as innocent. This agrees with the imperial edict which says that Chinese embracing foreign faiths remain subject to the local authorities. It is in this spirit that this case should be dealt with and Chin A Ming and his followers should receive no protection from their foreign faith.

I have received further telegrams yesterday, from the U. S. Consul at Canton, reporting that the condition of affairs at Chao Yang is critical, and that warrants of arrest have been issued against several Baptist Christians. I have reported this case in full to the Honorable Secretary of State who will be informed of the outcome thereof. I request you to telegraph the provincial authorities to take no steps against the American Missionaries' converts without a thorough examination into the case and on no account to permit injustice to be done them.

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Enclosure 8 in No. 2537.

Mr. Denby from the Tsungli Yamen.

No.16. May 29th, 1896.

Your Excellency:

On the 26th instant, the Prince and Ministers had the honor to receive a communication from the Chargé d' Affaires of the United States, regarding the missionary trouble at Ku Chi, in the Chao Yang District of Kwangtung, in which he stated that one Chen A Ming had committed robbery and other crimes; that he had fled, embraced the Catholic faith and afterwards returned to Ku Chi with several hundred followers; that they had attacked the Baptist Chapel and Chen had been captured and delivered to the local authorities; and further that he and his followers had plundered the fields of the Protestants. Another telegram had been received from the United States Consul at Canton reporting that warrants of arrest had been issued against several Baptist Christians and the Chargé d' Affaires requested that the Yamen telegraph the Canton provincial authorities to permit no injustice to be done in the matter, etc. etc.

In reply, the Prince and Ministers have the honor to state, that the Chinese statutes provide for the punishment of outlaws committing crime, and no leniency is shown on account of the offender being an adherent of the Christian faith.

A copy of the communication under acknowledgement has been forwarded to the Viceroy at Canton. In addition the Yamen has telegraphed that officer to lose no time in having a proper investigation held and to see that the case is dealt with in accordance with justice.

On receipt of a telegraphic reply the Prince and Ministers will inform the Chargé d' Affaires of the united States of its nature.

Mr. Denby to the Secretary of State.

No. 31.

New York, 1881.

Your Excellency:

On the 30th instant, the Prince and Minister of the Hawaiian Islands had the honor to receive a communication from the Chevalier d'Antoine, Minister of the United States, regarding the disappearance of Miss Ellen Kane at Ka Ohi, in the Cape Kauai District of Kauai, in which he stated that one Chan A Ming had committed larceny and other crimes; that he had fled, embraced the Catholic faith and afterwards returned to Ka Ohi with several armed followers: that they had attacked the Baptist Chapel and Chan had been captured and delivered to the local authorities: and further that he had his tail cut off.

A copy of the communication must later acknowledgement and been transmitted to the Viceroy at Canton. In addition the Kauai Legislature had passed a protest against the action of the Chinese authorities to permit the punishment of outlaws committing crime, and to request it upon account of the attempted penal as adherent of the Christian faith.

In reply, the Prince and Ministers pray the honor to state, that the Chinese statutes provide for the punishment of outlaws in such cases, and no leniency is shown on account of the fact.

Inasmuch as he was in the matter, etc. etc.

Kauai Legislature to be done in the matter, etc. etc.

Baptist Christians and the Chief Ah Ching represented that the Kauai Legislature to permit on the part of the Chinese authorities to be punished for the crime.

All information the Chief Ah Ching to the United States Consul at Canton reported and been received from the United States Consul at Canton reported that several natives of Kauai had been issued against the Baptist Chapel and Chan had been captured and delivered to the local authorities; and further that he had his tail cut off.

DIPLOMATIC BUREAU
JUL 20 1896

ASSISTANT SECRETARY
JUL 20 1896
DEPARTMENT OF STATE.

No 2538.

INDEX BUREAU
RECD.
JUL 18 1896
DEPT. OF STATE

Legation of the United States.

Peking, June 2nd, 1896.

Mr. Denby to the

Secretary of State.

Dipl. Bur. To June 21. To Treas. Dept. July 21.

Subject

Two Chinese students wish to enter the United States. Go

Synopsis

The Chargé d'affaires has applied to the Tientsin Taotai for certificates for two Chinese graduates of an American missionary college who wish to study in America.

No 2538.

Legation of the United States.

Peking, June 2nd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to report that I have received applications from two young Chinese students, Tien Shu-nien and Liu Ming-chuan, for certificates authorizing them to enter the United States. These students are graduates of this year from Peking University, an educational institution conducted under the

auspices

auspices of the Methodist Episcopal Mission in this city. They propose to visit the United States for the purpose of learning English and pursuing their studies in more advanced grades.

Following the procedure in the case of Alvin T. Howe who went from this city to the United States in 1890*, I have requested the United States consul at Tientsin to apply to the Tientsin Taotai for such a certificate as the United Statutes require.

These students will leave Tientsin in July and will enter the

* See Mr. Denby to Mr. Blaine No 1068 March 18th, 1890, Foreign Relations 1890 p. 177; and Mr. Blaine to Mr. Denby No 530 May 17th 1890 Foreign Relations 1890 p. 186.

the United States at San Francisco.
If it be proper to do so, I request
that the collector of customs
at that port be instructed to
facilitate their debarcation.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

DIPLOMATIC BUREAU
JUL 21 1896
COPIED FOR FOREIGN RELATIONS
ASSISTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE.

No 2539

Legation of the United States,
Peking, June 3rd, 1896.

INDEX BUREAU
RECD.
JUL 18 1896
DEPT. OF STATE

Dupl. Rec'd.
Ack. on 7/24 Dupl. invoice for the claim forwarded to me on No. 2539

Mr. Denby Jr. to the
Secretary of State.

N.R.
Acted July 24.

Subject:

Baptist Szechuan claim

Synopsis:

Yamen has ordered claim to be paid in full.

One enclosure.

No 2539

Legation of the United States,
Peking, June 3rd, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In despatch No 2525, of the 9th ultimo, this Legation had the honor to report that the Tsungli Yamen had agreed to pay the American Baptist Missionary Union's claim for injuries suffered in Szechuan, in 1895. After making a promise to this effect, the Yamen made

made informal inquiries of me as to whether this sum covered the entire claim of the Missionary Union. An examination of the documents on file in this Legation showed that it did not but that the said claims were in the greatest confusion

The Szechuan Investigating Commission did not take up the question of the losses of the Baptists. They appended to their report a statement of these losses with this endorsement:

"This claim was received
" late Dec. 28th, 1895
" through the U. S.
Consul

"Consul at Hankow.
" It being incomplete
" and no representative
" of the American Baptist
" Missionary Union being
" present no action was
" taken in regard to the
" same.

" for the Commission
[Sgd] Sheridan P. Read."

An examination of this statement showed that losses on property at Suifu and at Ya-chou-fu were not yet estimated and hence not included in the account. Furthermore the Yamen reported that claims for said Union had been handed

handed to the Viceroy of Szechuan, by members thereof, and that additional "personal claims", on account of certain Swedes in the employ of the Union, had been presented by the Swedish Consul General at Shanghai. The Yamen requested me to ascertain the exact and full amount claimed by said Union and its members.

After some delay I learned, by telegraphing to the Swedish Consul General at Shanghai and to the members of the mission in various places, that the entire

entire claim of the Mission
was taels 14,305 and that
the personal claims of the
Swedes amounted to Tls.
3,803. This was reported
to the Yamen, and yesterday
1/539 I received a note from them
stating that the Shanghai
Taotai had been ordered
to pay these sums to the
Consuls General of the
U.S. and of Sweden
respectively. I have
instructed Mr. Jernigan to
receive the sum claimed
by the Mission and to pay
it to the authorized agent
thereof. It is believed that
this is the last of the
pecuniary

pecuniary demands for losses in Szechuan. As to any other demands of the United States, the Yamen has been informed that the action of the Secretary of State on the Szechuan Commission's report must be awaited.

An examination of the Baptist Missionary Union's claim (see report of Commission) will show that the members thereof have been paid not only for property destroyed, but for salary while away from Szechuan, travelling expenses to Shanghai and return to their post, house rent and incidental expenses,

rent

rent on houses destroyed,
and even two passages to
America. Besides that the
Swedish members of the
mission received, on what
they called "personal claims",
the sum of Tls 3,803. It
was the desire of the Yamen
to close up the matter without
too close scrutiny of the items
of accounts and their
settlement was accepted.

I reported this settlement
to you in a telegram of
this date which is confirmed
on the overleaf.

I have the honor to be, Sir,
Your obedient servant,
Chas. Denby Jr.
Chargé d'Affaires ad interim

Enclosure:

The Tsungli Yamen to Mr. Denby

Note June 2, 1896.

Telegram.

June 3rd, 1896.

Olney, Washington.

Baptist
missionary Union Szechuan
losses paid.

Denby Chargé.

Enclosure in No. 2539.

The Tsungli Yamen to Mr. Denby Jr.

Informal. Peking, June 2d, 1896.

Your Excellency:

We have had the honor to receive your note, of May 30th, regarding the American Baptist Missionary Union claims. You state that you have received a telegram from Mr. Consul General Bock, in which he reports that the personal claim of the Vikings amounts to Taels 2,177, and that the claims of Miss Ingerhat amounts to Taels 1,626.

In paying these claims you request that the American claims of Taels 14,305 be paid to the United States Consul General at Shanghai and the Swedish claims be paid to the Swedish Consul General at Shanghai. You also requested to be informed in advance by whom these claims will be paid and when, in order that you may inform the U. S. Consul General accordingly.

In reply, we beg to state that on the 1st of June the Yamen telegraphed the Minister Superintendent of Southern Trade to instruct the Shanghai Taotai to pay these two claims to the United States Consul General and Swedish Consul General [Mr. Bock] respectively.

We beg that you will telegraph Shanghai informing the Consuls General to receive the amounts and thus settle these long pending claims.

Enclosure No. 2 in No. 2359.

The Tsungli Yamen to Mr. Denby Jr.

Informal. Peking, June 24, 1896.

Your Excellency:

We have had the honor to receive your note, of May 30th, regarding the American Baptist Missionary Union claims. You state that you have received a telegram from Mr. Consul General Beck, in which he reports that the personal claim of the Vikings amounts to Taels 2,177, and that the claim of Miss Ingerhat amounts to Taels 1,630.

In paying these claims you request that the American claims of Taels 14,805 be paid to the United States Consul General at Shanghai and the Swedish claims be paid to the Swedish General General at Shanghai. You also requested to be informed in advance by whom these claims will be paid and when, in order that you may inform the U. S. Consul General accordingly.

In reply, we beg to state that on the 1st of June the Yamen telegraphed the Minister Superintendent of Southern Trade to instruct the Shanghai Taotai to pay these two claims to the United States Consul General and Swedish Consul General Mr. Boss respectively.

We beg that you will telegraph Shanghai informing the Consul General to receive the amounts and thus settle these long pending claims.

ASSISTANT SECRETARY
JUN 4 1896
DEPARTMENT OF STATE

Rec'd Read
Confirm File

Legation of the United States
Peking, June 4, 1896

DIPLOMATIC BUREAU
JUN 4 1896

Confirmed June 4 1896

No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

DEPT. OF STATE
JUN 4 9 13 AM 1896
CHF. CLKS. OFFICE

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

RECEIVED

LONDON: No. 21 Royal Exchange, E. C. No. 109 Fenchurch Street, E. C.
LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	RECD BY	No. OF WORDS.	FROM
81	Ar	Pg	10	Peking

RECEIVED at Washington DC June 4 1896

Olney Washington

Baptist Missionary Ubon

Szechuan losses Paid Denby

Barge

No 2540 Dipl. Bur. Ask approve

DIPLOMATIC BUREAU JUL 18 1896 RECD DEPT OF STATE

ASSISTANT SECRETARY JUL 21 1896 DEPARTMENT OF STATE.

Legation of the United States,
Peking, June 4th, 1896.

Mr. Denby Jr. to the
Secretary of State.

DIPLOMATIC BUREAU JUL 21 1896

Answered July 24.

Subject:
Steam navigation at Soochow.

Synopsis:
Lawful for steam navigation at Soochow to be engaged in by American citizens

Two enclosures.

No 2540.

Legation of the United States,
Peking, June 4th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

2540 I have the honor to enclose, herewith, a copy of a letter addressed by Mr. Lambuth, an American citizen resident at Soochow, to Mr. Jernigan and fowarded by Mr. Jernigan to me, in which he asks for information regarding the opening of a steamboat line to Soochow.

Mr.

Mr. Lambuth inquires whether Soochow is sufficiently open to trade for him to be allowed to engage in this enterprise and if so what his procedure should be.

The Shimonoseki treaty, Art. VI, provides that Soochow shall be opened to trade and residence "under the same conditions "and with the same privileges "and facilities as exist at "the present open cities, "towns and ports of China", and that "steam navigation "under the Japanese flag "for the conveyance of "passengers and cargo" shall be

be permitted on the Woosung River and the canal from Shanghai to Soochow and Hangchow, under the rules now governing the navigation of the inland waters of China. This treaty is now in operation and its provisions enure to the benefit of American citizens. I have accordingly written

2
740

Mr. Jernigan that Mr. Lambuth may transact the business he mentions at Soochow and on the canal and the Huang pu River leading thither.

I have the honor to be,

Sir,

Your

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

Enclosures:

1. Mr. Lambuth to Mr. Jernigan
May 23rd, 1896.
2. Mr. Denby Jr. to Mr. Jernigan
June 3rd, 1896.

Enclosure 1 in No. 2540.

Copy.

Soochow, China,

May 23rd, 1896.

T. R. Jernigan, Esquire,

Shanghai, China.

Dear Sir:

I am desirous of engaging in the freight and passenger trade between Shanghai and Soochow, and have formed a company to be known as the "American Steamboat Company", of which I am president. The passengers and freight will occupy native boats which are to be towed by steam launches.

Before going any farther I should consider it a great favor if you will kindly give me some information on the following points:

1st. Is Soochow sufficiently an open port, so that I, an American citizen can engage in such a business?

2nd. Is the route to Soochow from Shanghai limited by treaty to the Soochow Creek or can we use the Wangpoo River as well?

3rd. What license is necessary and where is it obtainable?

4th. Is land in the foreign concession at Soochow for sale now, as we wish to establish our Soochow office in the foreign concession if possible?

5th. Is it imperative that our headquarters be in the foreign concession or can we rent an office in the native city at this place?

6th. In the event that we can do business should our boats be registered?

7th. Is it necessary for us to obtain a charter and, if so, what steps should I take to secure one?

Kindly give me the name of a good lawyer in Shanghai, as I am a stranger there, having just arrived from America, one whom

Enclosure 1 in No 2510.

copy.

Soochow, China,

May 23rd, 1900.

Your obedient servant,

Chas. Denby Jr.

T. R. Jernigan, Esquire,
American Consul General,
Shanghai, China.

Dear Sir:

I am desirous of engaging in the coastal and passenger trade between Shanghai and Soochow, and have formed a company to be known as the [illegible] Navigation Company, of which I am president. The passengers and freight will be carried in boats which are to be towed by steam launches.

Before going any further I should consider it a great favor if you will kindly give me some information on the following points:

1st. Is Soochow sufficiently an open port, so that a American citizen can engage in such a business?

2nd. Is the route to Soochow from Shanghai limited by treaty to the Soochow Creek or can we use the Whangpoo River as well?

3rd. What license is necessary and where is it obtainable?

4th. Is land in the foreign concession at Soochow for sale now, as we wish to establish our Soochow office in the foreign concession if possible?

5th. Is it imperative that our headquarters be in the foreign concession or can we rent an office in the native city at this place?

6th. In the event that we can do business should our boats be registered?

7th. Is it necessary for us to obtain a charter and, if so, what steps should I take to secure same?

Kindly give me the name of a good lawyer in Shanghai, as I am a stranger there, having just arrived from America, one whom

whom we can employ as an attorney for our firm.

Hoping that I have not imposed too much upon your good nature, I remain,

Very sincerely yours,

(S'g'd) R. W. Lambuth,

Soochow,

China.

Care Dr. W. H. Park.

whom we can employ as an attorney for our firm.

Hoping that I have not imposed too much upon your good

nature, I remain,

Very sincerely yours,

(Sgd'd) R. W. Lambuth,

Soochow,

China.

Care Dr. W. H. Park.

Copy-
No 467-

Enclosure 2 in No 2540.

LEGATION OF THE UNITED STATES,

Peking, June 3rd, 1896.

T. R. Jernigan, Esquire,

United States Consul General,

Shanghai.

Sir:

I have the honor to acknowledge the receipt of your despatch No.249, of the 25th ultimo, enclosing a letter from Mr. Lambuth, an American citizen, who wishes to establish a line of steam communication between Soochow and Shanghai and who makes some interrogatories with reference thereto.

I return, herewith, Mr. Lambuth's letter. I submit as follows answers to his interrogatories, subject to such addition as your experience of commercial enterprises at Shanghai and your superior legal attainments may suggest.

1st. Soochow is an open port for all purposes on the same terms as all other open ports in China, (Vide first concession in Art. VI Treaty of Shimonseki) and any American citizen may engage in freight and passenger trade there or in any other trade not expressly prohibited.

2d. Navigation to Soochow is open both via canal and Woosung (Hwangpu) river. (See same article 2nd concession sub-paragraph 2)

3rd. No license is necessary but navigators of these waters must conform to the rules and regulations governing the navigation of other inland waters of China.

4th. Land in the Japanese Concession at Soochow is not yet for sale. The Japanese Legation here does not know whether or not land there will be sold to foreigners other than Japanese. Information as to this point can be readily obtained at Soochow.

Enclosure 2 in No. 1510.

Confi-
No. 1527.

LEGATION OF THE UNITED STATES,

Peking, June 3rd, 1899.

T. R. Jernigan, Esquire,

United States Consul General,

Shanghai.

Sir:

I have the honor to acknowledge the receipt of your despatch No.249, of the 25th ultimo, enclosing a letter from Mr. Lambuth, an American citizen, who wishes to establish a line of steam communication between Soochow and Shanghai and who makes some interrogatories with reference thereto.

I return, herewith, Mr. Lambuth's letter. I submit as follows answers to his interrogatories, subject to such addition as your experience of commercial enterprises at Shanghai and your superior legal attainments may suggest.

1st. Soochow is an open port for all purposes on the same terms as all other open ports in China. (Vide first concession in Art. VI Treaty of Shimonseki) and any American citizen may engage in freight and passenger trade there or in any other trade not expressly prohibited.

2d. Navigation to Soochow is open both via canal and Wosung (Hwangpu) river. (See same article 2nd concession sub-paragraph 3)

3rd. No license is necessary but navigators of these waters must conform to the rules and regulations governing the navigation of other inland waters of China.

4th. Land in the Japanese Concession at Soochow is not yet for sale. The Japanese Legation here does not know whether or not land there will be sold to foreigners other than Japanese. Information as to this point can be readily obtained at Soochow.

Land outside the concession can be bought as at other open ports.

5th. Land may be rented and occupied either within or without the Foreign Concession at Shanghai.

6th. If the boats are to fly the American flag they should be registered in the Consulate of the United States where most convenient.

7th. No charter is necessary.

I am, Sir,

Your obedient servant,

[sig'd] Chas. Denby Jr.

Charge d' Affaires ad interim.

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5th. Land may be rented and occupied either within or without the Foreign Concession at Shanghai.

6th. If the boats are to fly the American flag they should be registered in the Consulate of the United States where most convenient.

7th. No charter is necessary.

I am, Sir,

Your obedient servant,

[illegible]

Charge d' Affaires ad interim.

2541

No. 2541.

DIPLOMATIC
JUL 21 1896
BUREAU.

ASSISTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
JUL 28 1896
DEPT. OF STATE

Legation of the United States,
Peking, June 5th, 1896.

8 pl. Pres
Cy to U.S. Nat. Museum
asking its assistance
& to that means
of furthering this
useful scheme

Mr. Denby Jr. to the Secretary of State.

Subject:

Mechanical exhibit at Peking University Museum.

To National Museum July 24.
Rec'd July 31.
To L. de Abrioqueta Dec. 28.

Synopsis

Peking University Museum solicits exhibits of mechanical appliances and inventions. The project of some utility to manufacturing interests as an advertising agency.

No 2541-

Legation of the United States,
Peking, June 5th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

The Peking University,
an important educational
institution of this city
conducted under the auspices
of the American Methodist
Episcopal Mission, has
recently opened in one of its
buildings a museum which
it is proposed to devote largely
to the exhibition of foreign
machinery

machinery and mechanical appliances. This museum is visited by daily increasing numbers of people of the better classes who are interested in acquiring some knowledge of foreign manufactures and and inventions, and it is believed that it can be made an important means of advertising and introducing the products of American industry. The authorities of this museum would be glad to receive and exhibit working models, photographs or drawings of machinery and inventions, a specimens thereof, such as plows, stirps, firearms, cannon,

cannon, electric machinery,
cars, locomotives, wind mills,
looms, printing presses, wagons,
engines, etc. etc. etc. Each
exhibit which may be
presented to them will be
marked in Chinese with the
name and address of the
maker, together with description
and price thereof if desired,
and capable translators will
explain their use to inquirers.

This is an opportunity
which manufacturers should
be glad to avail of. Peking
with a population of 600,000
is the literary and political
center of the empire. Advertising
here should be more profitable
than

than in any city in China.
The Peking University is
the center of a wide influence.
It occupies commodious
foreign buildings lighted by
electricity and is attended
by hundreds of young men
in search of western learning.
The museum referred to is
to be conducted solely for the
purpose of increasing the
usefulness of the University
and attracting the attention
of inquirers. Exhibits of the
character above described will
be gratefully received by it
and will be as advantageously
employed for the benefit of
exhibitors as circumstances
will

will permit.

Correspondence on this subject may be addressed and articles for exhibition sent to the Peking University, Peking, China, or to Mr. Charles H. Taft, Treasurer of Peking University, #78 William St., New York City, and under an arrangement with the I. M. Customs will be imported into China duty fee. The authorities of the University have appealed to this Legation for assistance in the carrying out their plan, and with a view to such assistance I request that such publicity be given this

this despatch as the
Department may deem fit.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

No. —

File

DIPLOMATIC BUREAU JUL 20 1896

ASSISTANT SECRETARY JUL 20 1896 DEPARTMENT OF STATE.

Legation of the United States,

Peking, June 6th, 1896.

INDEX BUREAU REC'D. JUL 18 1896 DEPT. OF STATE

Mr. Denby to the

Secretary of State.

Copy to Admiralty July 20.96
Copy to Mr Rockhill July 22.96

Subject:

Forwards Customs Gazette.

Dft file
Sent Admiralty

No. —

Legation of the United States,
Peking, June 6th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to forward to you, under separate cover, duplicate copies of the Customs Gazette for the months of January, February and March, 1896.

I have the honor to be,
Sir,
Your obedient servant,
Chas. Denby Jr.
Chargé d'affaires ad interim

No 2542 DIPLOMATIC
JUL 21 1896
BUREAU

Sept. Brad
AVR. approve

ASSISTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE

INDEX BUREAU
RECD.
JUL 18 1896
DEPT. OF STATE

Legation of the United States,
Peking, June 6th, 1896.

Mr. Denby Jr. to the
Secretary of State.

Acknd. July 24.

Subject:

Belgian consular representation at Chinkiang

Synopsis

Belgian Chargé d'Affaires asks that Consul Jones at Chinkiang exert good offices for Belgians. Asked to present his request through Belgian Legation Washington.

No. 2542.

Legation of the United States.
Peking, June 6th, 1896.

To the Honorable
Richard Olney,
Secretary of State.
Washington, D.C.

Sir:

I have the honor to report that I have received from the Chargé d'Affaires of Belgium, at this city, a note requesting that United States Consul Jones at Chinkiang be authorized to extend his protection to such subjects of Belgium as might be within his jurisdiction

jurisdiction.

Following the tenor of your instruction No. 1227, of January 3rd last, in the case of a similar request preferred by the Consul General of Sweden and Norway, I have requested the Chargé d'Affaires of Belgium to present his request through the Belgian Minister at Washington. I have asked Mr. Jones, if he sees fit to do so, pending your approval, to exert his unofficial good offices in behalf of Belgian subjects at Chinkiang.

I have the honor to be, Sir,
Your obedient servant,

Chas. Denby Jr.
Chargé d'affaires ad interim.

ASSISTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE.

No 2543. DIPLOMATIC
JUL 21 1896
BUREAU.

Legation of the United States.

INDEX BUREAU
RECD.
JUL 18 1896
DEPT OF STATE

Peking, June 8th, 1896.

Dpl. & Cons
Copy to Exposition

Mr. Denby Jr. to the

Secretary of State.

To Tenn Exposition, July 24.

Subject

Tennessee Centennial Exposition.

Synopsis

Yamen replies to invitation to participate therein, stating that duties on exhibits for export will be remitted.

/

One enclosure.

No 2543.

Legation of the United States.

Peking, June 8th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a copy of a despatch from the Tsungli Yamên to this Legation, dated the 6th instant, stating that instructions have been issued that goods intended for exhibition at the Tennessee Centennial Exposition may be exported duty free.

This

This is in reply to an informal note from me forwarding the invitation addressed to the Emperor of China which reached me in your un-numbered despatch of the 13th Apnl.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosure:

The Tsungli Yamên to Mr. Denby

Note, June 6th, 1896.

Enclosure in No. 2543.

The Tsungli Yamen to Mr. Denby Jr.

Informal

Peking, June 6th, 1896.

Your Excellency:

We have the honor to acknowledge the receipt of your note, of the 29th May, stating that you had received a despatch from the Honorable Secretary of State announcing that an Exposition would take place at Nashville, Tennessee, commencing on the 1st of May, 1897, and would continue for a period of six months, for the purpose of celebrating the admission of Tennessee into the Federal Union.

You transmitted an invitation from the executive officers of the Exposition Company to China to participate in the Exposition and stated that the Honorable Secretary of State had directed you to say that the said Exposition is in no wise under the auspices or patronage of the Government of the United States.

In answer, we beg to state that we have addressed the Minister Superintendent of Northern and Southern Trade and the Viceroy of Canton, as well as the Inspector General of Customs to issue instructions to the Superintendents and Commissioners of Customs to issue notifications informing Chinese merchants that they may send exhibits to the said Exposition and that they will be allowed to export them free of duty.

DIPLOMATIC
JUL 21 1896
BUREAU.

ASSISTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE.

No 2544.

INDEX BUREAU
REC'D.
JUL 18 1896
DEPT OF STATE

Legation of the United States.

Peking, June 9th, 1896.

Mr. Denby Jr. to the

Secretary of State.

Rec'd July 24.

Subject

The missionary trouble at Ku Chi.

Synopsis

The report of the attack on an American chapel at Ku Chi, near Chao Yang, in Kwangtung, as set forth by the American missionaries, flatly contradicted by report made to French Legation by French missionaries. Agreement on facts impossible. Local authorities should decide.

One enclosure.

No 2544.

Legation of the United States.

Peking, June 9th, 1896.

To the Honorable

Richard Olney,

Secretary of State.

Washington, D.C.

Sir:

In my despatch No 2537, of the 1st instant, I had the honor to report to you the conflict between Protestant and Catholic converts at Kuchi, near Swatow, in Kuangtung.

Since the date of that despatch, I have received from the United States consul at Canton and from the American missionaries

missionaries at Swatow additional and voluminous documents giving a detailed history of this case. A statement of the Catholic side was forwarded by the French consul at Canton to the French minister in this city. The purpose of this reference to Peking was stated by Mr. Seymour to be in order that "the "Legations of the United States "and France at Peking will agree "upon some joint plan to compel "the Chinese authorities to act "justly in this case."

In view of this joint reference from Canton, I was compelled, notwithstanding the views expressed in my previous despatch to you,

to

to consult with the French
Minister. I called upon him
by appointment, on the 5th instant,
and found that the report
made to him from Canton
diametrically contradicted in
every essential particular the
report received by me. He placed
implicit confidence in the
representations of the French
missionaries and I placed a
like confidence in the representations
of the Americans and there was
not one important point on which
we agreed.

A brief summary of the
statement of the case by each
side will show the difficulty
of arriving at any definite
decision

decision as to who is right.

The Protestants assert that Chen A-ming, the Catholic leader is a man of notoriously bad character who was forced to leave his native village because a price had been offered for his seizure. After a disappearance of eighteen months, he reappeared a member of the Catholic Church and, after having attacked, overpowered and entirely intimidated the local authorities at Ku-chi, he announced that where the Catholic Religion existed the Protestant could not remain. The Protestants, warned of an intended attack, appealed to the authorities at Chao Yang

for

for protection and prepared to
resist. On the night of the 6th
March last, the expected attack
on the American Baptist Chapel
was made, a fight took place,
Chen A-ming was knocked
down and captured and his
followers repulsed. The next
day [March 7th] Chen's adherents
made a desperate attempt to
rescue their chief, attacking
the Baptist village with guns,
spears and one small cannon.
Firearms were used to repulse
the assault, which was terminated,
about noon, by the arrival of the
authorities. Wounds were received
by both parties and one wounded
Catholic has since died. The

Catholics

Catholics continued their persecutions from day to day, destroying crops, erecting fortifications and announcing their intention to renew their attack as soon as the soldiers were withdrawn. The American missionaries insisted on the authorities taking the prisoner then a-ming into custody, which was finally done, but they also seized the Baptist school teacher Li Tak-yung, who still remains in prison.

The American missionaries demand of the authorities the release of the Baptist teacher, the punishment of the persons who attacked the chapel, reparation for the damage to chapel and to

Crops

crops of native Baptists and security for the future.

The Catholics deny each one of the foregoing allegations and present counter demands. They state that Chen A-ming's bad reputation was undeserved; that it was due to a family quarrel over an inheritance, which has been entirely arranged, and that he is now a good Christian and a good man; that jealousy on the part of the Protestants over Catholic success, in which Chen A-ming was instrumental, is at the basis of this affair; that Chen A-ming did not attack the American chapel on the 6th March, but that an armed band of

Protestants

Protestants came to the Catholic
chapel, where he was sleeping,
and made him prisoner; that
no attempt was made, on the
7th March, to rescue him by force,
but that a peaceable delegation
of a few persons who came to
the Baptist village on that day,
to negotiate for his release, was
fired upon by the Baptists and
several wounded, of whom one
has died; that the Catholics
did not ravage the Baptist
fields, but that the Baptists
themselves trampled a small
part of their own crops in order
to give an appearance of truth
to the charge; that they only
erected fortifications after the
Baptists

Baptists had done so; that they fear Protestant aggression etc., etc., etc.

The Catholic missionaries accordingly demand that Chen A-ming be set at liberty; that the Protestants be made to pay for the man they have killed and for one other they have wounded and that they be punished for aggressive use of fire arms, etc. etc.

In view of these contradictory statements it seems impossible to come to any such agreement as the missionaries demand, and I have so written them. The French minister states that he will take no action

in

in the matter but will leave it to be decided by the local Chinese authorities. In writing the Yamên I have avoided, as much as possible, treating the question as Catholic or Protestant and I have urged them to act in the matter as one regarding Chinese subjects only. It is extremely inadvisable for the American and French Legations to appear before the Yamên as champions of native Catholics and Protestants in a village war. On the other hand it seems desirable to take such action as may be necessary to prevent communities under the guidance of American missionaries being made the victims

of

of oppression. In this view I have felt justified in demanding of the Yamēn the release of the teacher Li Tak-yong, who was induced by the Chao Yang magistrate to accompany him, under a promise that he should not be detained. In reply, the Yamēn state that they are unable to allow missionaries to give security for prisoners released, as I had suggested, but that they had instructed the Viceroy at Canton to arrange to set him at liberty if possible.

Pending your instructions as to this case, I shall urge a local settlement thereof which shall not be humiliating to the American

missionaries

missionaries but in which concessions will be mutual.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim.

Enclosure:

Mr. Denby to Mr. Seymour

No. 366, June 6th, 1896.

Enclosure in No. 2544.

No.366.

LEGATION OF THE UNITED STATES,

Peking, June 6th, 1896.

Charles Seymour, Esquire,

United States Consul,

Canton.

Sir:

I have the honor to acknowledge the receipt of your despatch No.523, of the 22nd May, which, with its enclosures and the documents sent me, under date of May 19th, by Messrs Ashmore and McKibben from Swatow, I have carefully read.

Relying upon the strength of the case therein presented I called yesterday upon the French Minister with a view to deciding upon some joint action and with a view to answering your inquiry "whether the Governments of the United States and France and "China will permit priests or missionaries of any nationality "or any denomination to thus interfere with the course of justice "towards criminals and outlaws?"

I was surprised to find that the report in the hands of the French Minister contradicts in nearly every essential particular the representations made by the Baptists and their converts. It is asserted that Chen A-Ming's bad reputation is undeserved, that he was seized in the Catholic Chapel by armed Protestants, that no attempt was made to release him by force but that a peaceable mission which was sent on the day after his capture to discuss the question of release was fired upon and that two men were wounded, one of whom has since died, that no damage was done the fields of the Protestants, that the Protestants have been the aggressors, and finally that foreign missionary and consular

No.308.

LEGATION OF THE UNITED STATES,

Tokyo, June 6th, 1898.

United States Consul,

Canton.

Sir:

I have the honor to acknowledge the receipt of your despatch No.252, of the 25th May, ult., with its enclosures and the documents sent me, under date of May 18th, to Hongkong, and thence forwarded to me from Amoy, I have carefully read

Relying upon the strength of the case thereby presented I called yesterday upon the French Minister with a view to deciding

consular influence have been asserted much more strongly in behalf of the Protestant than of the Catholic cause notwithstanding which the local authorities perceptibly incline to regard the latter as in the right. Mr. Gérard declares that the French are in the right, we in the wrong. I am equally convinced and as openly assert that Americans are right and the French wrong. We cannot agree on one single important fact. He states that the case should be decided locally and that the interference of American official influence in the case has been a mistake. He declines practically to take any action and regards the question as to whether China and foreign governments will permit missionaries and priests to interfere with justice towards criminals and outlaws as more pertinently to be addressed to us than to himself.

This leaves me, as far as cooperation with the French Legation is concerned, in a helpless position. We cannot arrive at the discussion of any question of principle being utterly at variance as to facts. It seems that some attempt at accord between the two parties as to the facts should be made locally. They cannot be ascertained here by examination of documents which flatly contradict each other. In this sense I telegraphed you yesterday, and I hope that some further effort will be made by you and the French and Chinese authorities to arrive at some agreement.

There remains another course of action viz to appeal to the Chinese Government asserting that we are right and making demands accordingly. To these representations the French Legation will be led to reply. The discord in Kuangtung will be intensified by support at Peking. To set Catholics, backed by French Authorities against Protestants backed by American authorities seems a course to be avoided. Moreover this Legation is subject to the orders of the Department of State and must carefully

consistent influence ever been exerted back more effectively in
behalf of the Protestant cause as to the Catholic cause notwithstand-
ing the fact as it might perhaps be said unfortunately beyond dispute
that which the local unfortunate perceptively inclines to regret the
fact as it might. Mr. Gerard declares that the French are in
very friendly, we it and the other. I am perhaps convinced and as obeyly
that light, we it and the French. We cannot
assert that Americans are light and the French wrong. We cannot
agree on one single important fact. He agrees that the case
should be decided locally and that the interference of Americans
with political influence in the case and been a mistake. He declines
practically to take any action and regrets the deception as to
what really is in question. The dispute between Catholics and Protes-
tants in Mexico. To see Catholics, packed by French Ambassador
should not be avoided. Moreover this relation is employed
to the orders of the department of state and must certainly

This leaves me, as far as cooperation with the French Repre-
sentative is concerned, in a helpless position. We cannot write at
the discussion of any question of principle point directly in
variance as to facts. It seems that some attempt at accord
between the two parties as to the facts should be made locally.
They cannot be ascertained here by examination of documents which
justly contradict each other. In this sense I telegraphed you
yesterday, and I hope that some further effort will be made by
you and the French and Chinese authorities to arrive at some
agreement.

There remains another course to action xix to appeal to the
Chinese Government asserting that we are right and making demands
accordingly. To these representations the French Legation will
be led to reply. The discord in Kansu[illegible] will be intensified by
appeal of Catholics. To see Catholics, packed by French Ambassador
should not be avoided. Moreover this relation is employed
to the orders of the department of state and must certainly

carefully consider how far those orders will allow it to go in a case in which primarily only Chinese subjects are interested.

The case has been fully reported to the Department and you will be advised of its instructions.

The proper course seems to be to urge the local authorities to ascertain the truth and to decide accordingly. Pressure to secure justice should be exerted here at Peking and your cooperation to the same end should be afforded at Swatow. I advise you to continue your efforts to bring about a settlement locally and to urge the missionaries not to hope that in such a case as this a peremptory order can be secured deciding all the points at issue in their favor. I will consult with the French Minister again in the matter. He expresses an earnest desire to avoid "religious war" a desire which all Americans will share. I will also continue my representations to the Yamen. I request you to make every effort locally in conjunction with our fellow citizens at Swatow to secure justice and restore peace.

I am etc.

(S'g'd) Charles Denby Jr.

Chargé d' AFFAIRES ad interim.

Confirmation of telegram of June 5th, 1896.

Seymour, Canton.

Consulted French Minister his reports contradict ours cannot agree on facts to avoid mutual recriminations before Yamen urge further effort settle locally.

Denby.

carefully consider how far these orders will allow it to go in a case in which primarily only Chinese subjects are interested.

The case has been fully reported to the Department and you will be advised of its instructions.

The proper course seems to be to urge the local authorities to ascertain the truth and to decide accordingly. Pressure to secure justice should be exerted here at Peking and your cooperation to the same end should be offered at Swatow. I advise you to continue your efforts to bring about a settlement locally and to urge the missionaries not to hope that in such a case as this a peremptory order can be secured deciding all the points at issue in their favor. I will consult with the French Minister again in the matter. He expresses an earnest desire to avoid "religious war" a desire which all Americans will share. I will make certain my representations to the Yamen. I request you to make every effort locally in conjunction with our fellow citizens at Swatow to secure justice and restore peace.

I am etc.

(Sd'g'd) Charles Denby Jr.

Chargé d' AFFAIRES ad interim.

Confirmation of telegram of June 5th, 1900.

Seymour. Canton.

Consulted French Minister his reports contradict ours cannot agree on facts to avoid mutual recriminations before Yamen urge further effort settle locally.

Denby.

Dipl. Bur.
To War Dept.
AK

ASSISTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE

No 2545.

Legation of the United States.

INDEX BUREAU
RECD.
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Peking, June 10th, 1896.

DIPLOMATIC
JUL 21 1896
BUREAU.

Mr. Denby Jr. to the

Secretary of State.

To War Dept. July 24.

Subject

Military and railway schools at Nanking.

Synopsis

Memorial from Chang Chih-tung recommending military and naval schools to be established at Nanking approved by Emperor. Pro-German proclivities of Chinese in these matters.

One enclosure.

No 2545.

Legation of the United States.

Peking, June 10th, 1896.

To the Honorable

Richard Olney,

Secretary of State.

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a clipping from the North China Daily News of the 2nd instant, giving a translation of a report from Chang Chih-tung, written while acting viceroy of the Liang Kiang provinces, in which he advocates the formation of military and railway academies at Nanking, and

which

which report is stated to have received imperial approval.

The strong pro-German tenor of this report is characteristic of the viceroy Chang-He is said to be deeply in debt to Krupp and other German firms which have thus attained a great ascendancy over him.

China has not been deterred from her German proclivities in naval and military matters by her experience in the late war. She has engaged numbers of new German drill masters and naval instructors for employment at Tientsin and in the south and she has just allotted a contract to German firms for three new cruisers.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim.

Enclosure:

Clipping as above.

Enclosure in No 2545.

Clipping fr. North China Daily News, June 2, 1896.

MILITARY AND RAILWAY ACADEMIES AT NANKING.

Chang Chih-tung, acting Viceroy of the Liang Kiang provinces, reports the advisability of forming a Military Academy and a school for instruction in the science of Railway building to be connected with the first named establishment as an adjunct. Memorialist had been led to inaugurate the two institutions from the fact of the organisation by him of The *Ad Astra* Brigade, consisting of picked young men trained to become cavalry, infantry, and artillerymen and sappers and miners, under German instructors, concerning which a memorial had already been sent to the Throne and approved of by his Majesty. China is sadly in want of trained material to resist the aggressiveness of outside nations and the reason why Germany's armies are superior to those of other European countries is due to the fact that every man in the former country is a soldier whilst those who have shown superior knowledge in their duties and clever talents are made officers. Not a single officer in the German armies but has graduated from some military academy or other. Hence the superiority of Germany over others. If China desires to be strong she must follow these lines and encourage every military man to study at military academies like those in Germany. To do so academies must be established throughout the whole empire—the more the better. Ten years ago a military academy was established in Tientsin. At that time memorialist was Viceroy of the Two Kuang provinces, and he also followed the example of the Peiyang authorities by establishing a similar academy at Canton. Although the number of graduates turned out by the two institutions named above is but limited yet opportunity has been taken to utilise their services by using them as officers in the new German-drilled brigade *(Ad Astra)* organised recently by the memorialist and already reported to the Throne in a former memorial. Even if it should turn out that the graduates above noted be not thoroughly fitted for their new posts, yet with the foundation already grounded in them they would be able to better their knowledge much faster with their new instructors than would have happened in the case of young officers who have had no proper training before. That these academies have borne good fruit, however, cannot be denied and the young graduates have already proved their efficiency in more instances than one of late years. But two academies are not sufficient for China nor even three, and it remains for the government to establish as many as possible for the empire which needs them to withstand the aggressions of outsiders in the future. There is already a naval academy established at Nanking and memorialist has decided therefore to establish a military academy at the Yifêng gate of the same city, spaciously laid out and constructed after German methods. Memorialist has already telegraphed to Hsü Ching-ch'eng, our minister at Berlin, to engage five Professors of military science to take charge of the new academy. The cadets will all be above twelve and under nineteen years of age, chosen for their brightness, *physique*, and an average knowledge of the written language, and the limit will be 150 boys to commence with. The school will be divided into cavalry, infantry, artillery (horse and foot), engineering, and fortifications classes, and strategy and tactics will be carefully taught in the academy. Two years will be devoted to preliminary studies and drills peculiar to each of the above classes, and the third year will be mainly occupied in the practical study of artillery in all its branches. German will also be taught in order to enable the graduates to keep up their knowledge by reading any new German military books and inventions that may in the future be published. At the end of the third year a grand examination will be held and commissions in the army distributed to each graduate, according to their various merits. The amount required to lay out the parade grounds, etc., and the building of dormitories and recitation rooms for the new academy will be over Tls. 40,000, and this sum will be furnished from the Kiangnan Military Defence Administration's treasury. The annual expenditure will also be something over Tls. 40,000. As railways will be a portion of the strategic defences of the empire, memorialist intends to form an adjunct to the academy of a school for the study of railway engineering and construction. In foreign countries there are various Boards similar in functions and authority to the Six Boards of China. Amongst these a minister of the highest class is appointed to preside specially over the Railways of the country, which is called the Board of Railway Communications. There are also high and primary grade schools in these countries where railroad construction, etc., are taught and their number is like the trees of a forest. Memorialist has heard that in Germany alone there are several tens of thousand men who have made special study of railways, and this number is just sufficient to control the 100,000 odd miles of railway in all its branches in that empire. China is just commencing to construct railways throughout the empire, but the supply of native experts in this science is practically *nil*. We must therefore use foreign aid. As an attempt to supply this want memorialist intends to establish a railway school under the instruction of three foreign instructors who shall teach a class of ninety youths to commence with. The annual expenditure required for this school will be something over Tls. 20,000. As this branch of study is connected with the defensive measures of the empire we cannot get along without it. Thus there will be required over Tls. 60,000 per annum which memorialist has made arrangements to provide for in the future and for which he prays his Majesty's approval and consent.—*Rescript: Granted. Let the Boards concerned take note.*

DIPLOMATIC
JUL 21 1896
BUREAU.

No. 2546.

ASSISTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE

Legation of the United States,
Peking, June 11th, 1896.

INDEX BUREAU
RECD.
JUL 18 1896
DEPT. OF STATE

Mr. Denby Jr. to the
Secretary of State.

Subject:

Negotiations between Russia and China.

Synopsis:

Amongst many rumors in circulation two propositions seem to be true: that Russia has promised protection to the Manchu dynasty and received in return privilege to build her railroad to an ice free port.

No 2546.

Legation of the United States,
Peking, June 11th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatch No 1263, of the 27th April last, enclosing a clipping from the New York Sun, of the 26th April, outlining negotiations being now conducted between China and Russia, the details whereof are from a letter alleged

alleged to have been written by Sir Robert Hart.

In an informal conversation which I had with Sir Robert Hart yesterday, he authorized me to state that he had not written the said letter, that he was ignorant of its authorship and knew nothing of the arrangements between Russia and China referred to therein. From other sources I learned authoritatively that the said letter was written by Mr. Drummond, an English barrister at Shanghai, an ardent friend of the Chinese and in close relations with the reform party

party, but occupying no official position.

The rumors with regard to a treaty between Russia and China have been numerous and persistent since Russia's action to secure the restoration of Liaotung. They have been as persistently denied. It is known that Russia has secured from China the right to use Kiao Chou Bay, in Shantung, for her fleet, that she has obtained a jetty for a Russian steamship company at Chefoo, that she has had Chinese students appointed as interpreters on Russian men-of-war. It is also known

known that Russia wishes to take the trans-Siberian railroad across Manchuria to Vladivostock or some Chinese port further south, and I learned from official Chinese sources that a request to this effect addressed to the Yamen has been refused. It is certain, however, that it will be ultimately granted.

A recent report from credible sources is that the Viceroy Li has concluded a treaty with Russia by which she undertakes the defense of China and receives in return the right to build a railroad connecting the trans-Siberian

trans-Siberian line with a
sea port in Shangtung.
It is probable that there
is confusion in this report
and that it is a charter
for the trans-Manchurian
line that has been accorded.

In spite of all the
rumors of treaties and
contradictions of them two
propositions are safely to be
asserted:

Firstly the reigning dynasty
of China looks to Russia
for protection and has
assurance thereof; secondly
Russia will build the
trans-Siberian railway
through Manchuria to an ice
fell

fell part. As a result of this understanding Russian influence is now predominant at Peking.

The Russian Minister and First Secretary are at present living at the Western Hills, fourteen miles from Peking, where they will remain until August, when it is stated that the Minister will go on leave.

The negotiations now going on between Russia and China are largely conducted between the Viceroy Li and influential members of the Chinese Government. The Tsungli Yamên does not appear to be consulted in the matter.

Amy

Any definite information that I may be able to obtain on this subject will be promptly communicated to you.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim.

ASSISTANT SECRETARY
JUL 21 1896
DEPARTMENT OF STATE

No 2547. DIPLOMATIC
JUL 21 1896

INDEX BUREAU
RECD.
JUL 18 1896
DEPT. OF STATE

Legation of the United States.

Peking, June 12th, 1896.

Mr. Denby Jr. to the

Secretary of State.

Ackd July 24.

Subject

The case at Kuchi near Swatow.

Synopsis

Mr. Denby encloses copy of a despatch to Consul Seymour stating the only agreement on this case to which the American and French Legations can at present arrive.

One enclosure.

No 2547.

Legation of the United States.

Peking, June 12th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a copy of my last despatch to Consul Seymour on the Baptist Mission troubles at Kuchi, near Swatow. Attention is called to the telegrams to and from Mr. Seymour appended thereto as they set out in brief form the settlement desired by the missionaries and the only

2547

settlement

settlement on which this Legation and the Minister of France can now agree.

Mr. Seymour speaks in his recent despatches of refering this case to the Governments of France and the United States. In view, however, of the hopeless disagreement as to facts, such reference would seem to be unpromising. Mr. McKibben, an American Baptist missionary from Swatow, will shortly arrive at Peking. Wishing, if possible, to secure the concurrence of the Baptists in the settlement of this case I will consult Mr. McKibben before effecting such settlement.

I have the honor to be, Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosure:

Mr. Denby to Mr. Seymour No 368, June 10. 1896.

Enclosure in No 2547.

Copy

No 368.

LEGATION OF THE UNITED STATES,

Peking, June 10th, 1896.

Charles Seymour, Esquire,

United States Consul,

Canton.

Sir:

I confirm on the overleaf your telegram of the 9th instant and my reply of the same date.

The plan approved by you and Mr. Ashmore is not now practicable. In the first place you and the French Consul having referred the case to Peking, and I having already consulted the French Minister, we must treat with him. Secondly the French Minister puts confidence in the report made to him by his compatriots; he believes that the Catholics have suffered more than the Protestants and that any settlement arrived at cannot ignore their loss to life and property. We must either treat with the French Minister with a view to coming to some agreement satisfactory, or as nearly satisfactory as possible, to both sides, or we must take up the controversy in the face of his determined opposition.

For reasons heretofore alluded to this course seems to me much to be avoided. Your suggestion that a commission be appointed to establish the facts may be referred to the Department. Inasmuch, however, as neither the life, the personal safety nor the property of any American citizen is involved it is difficult to see what basis such a commission would have.

Unacceptable as compromise or concession may appear to either side it would seem that some such process presents the only solution to this question. I had a long interview with the French

LEGATION OF THE UNITED STATES,

Berlin, June 10th, 1880.

CHARLES SEYMOUR, Esquire,

United States Consul,

Cologne.

SIR:

I confirm to the several letters of the 8th instant which came safely to my hand.

The plan adopted by you and M. Adamoto is not now practicable. At the first place you and the French Consul General

Minister but confidence in the report made of him by his colleague; he believes that the Catholics have suffered more than Protestants. He believes that the Protestants are a majority of the population and that the Government will be obliged to protect them in their rights. I had a long interview with the French Minister. We must first with him. Secondly the French Minister we must first with him. Secondly the French

Protestant and that the Government will be obliged to protect them in their rights. I had a long interview with the French

Minister but confidence in the report made of him by his colleague; he believes that the Catholics have suffered more than

Protestants. He believes that the Catholics are a majority of the population and that the Government will be obliged to protect

them in their rights. I had a long interview with the French Minister. We must first with him. Secondly the French

Minister but confidence in the report made of him by his colleague; he believes that the Catholics have suffered more than

Protestants; he

French Minister this morning. He does not wish to take any steps in this matter before the Chinese Government which may appear hostile to us. He strongly favors local settlement by the provincial authorities, or if the case must be taken by the Legations to the Yamen, he wishes it to be done in order to restore peace and not in order to renew the controversy. The only solution of this case that our consultation of this morning pointed to was: Li Tak-yong and Chen A-ming to both be released; both sides to give security to keep the peace; the claims of the Catholics for one man killed and one blinded to be waived and the claims of the Protestants for wounds and damage to property to be also waived; all other demands to be abandoned. My telegram to you of yesterday was to this effect. Remembering that the French Minister regards his side as right, and in view of the demands which the Catholic priests have filed with him, this constitutes a considerable concession. From the Protestants' point of view, though the assault upon the chapel remains unpunished, they escape all responsibility for the wounds inflicted in its defense and for the killing of one assailant.

In view of the difficulties which surround this case I advise our compatriots to accept less than they may feel justified in demanding.

I am, Sir,

Your obedient servant,

[signed] Chas. Denby Jr.

Chargé d' Affaires ad interim.

T E L E G R A M.

Received.

Canton, June 9th, 1898.

Denby, Peking.

Ashmore myself approve following plan maintain distinctly American case against China remonstrate against France supporting wicked crusade appoint commission soon to establish facts degrade all derelict officials. Seymour.

Peking, June 9th, 1898.

Seymour, Canton.

Telegram received French deny Protestant charges will oppose settlement based exclusively thereon making counter demands settlement will be difficult. Will you consent release Chen A-ming and Li Tak-yong both sides give security for future peace mutually withdraw claims damages and other demands.

Denby.

Charge d' Affaires ad interim.

Dupl. Rec'd
Aug. 7

No. —

DIPLOMATIC
JUL 25 1896
BUREAU.

ASSISTANT SECRETARY
JUL 25 1896
DEPARTMENT OF STATE.

Legation of the United States,

Peking, June 15th, 1896.

INDEX BUREAU
RECD.
JUL 25 1896
DEPT OF STATE

Mr. Denby Jr. to the

Secretary of State.

Subject:

Forwards "Returns of Trade".

No.—

Legation of the United States,
Peking, June 15th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to forward under separate cover duplicate copies of the Returns of Trade and Trade Repoits for the year 1895.

I have the honor to be,
Sir,
Your obedient servant,
Chas. Denby Jr.
Chargé d'Affaires ad interim.

No 2548.

DIPLOMATIC
JUL 25 1896
BUREAU

Dipl. Bur.
To Navy Dept.

ASSISTANT SECRETARY
JUL 25 1896
DEPARTMENT OF STATE

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RECD.
JUL 25 1896
DEPT. OF STATE

Legation of the United States.

Peking, June 18th, 1896.

Mr. Denby Jr. to the

Secretary of State.

To Navy July 25.

Subject

Rules for removal of wrecks.

Synopsis

The Chinese Government proposes to make rules for the removal of wrecks. These rules seem to Mr. Denby to be objectionable in some particulars. Copies thereof enclosed.

One enclosure.

№ 2548.

Legation of the United States.

Peking, June 18th, 1896.

To the Honorable

Richard Olney,

Secretary of State.

Washington, D.C.

Sir:

I have the honor to

enclose, herewith, a copy of a

despatch from the Tsungli

Yamên received by me on the

IIIth instant, enclosing copies of

Regulations for the Removal of

Wrecks which China wishes to

adopt. In reply to this despatch

I have informed the Yamên that

a translation thereof would be

forwarded

1/548

forwarded to you and that this Legation would address them again on receipt of your reply.

There seem to be two serious objections to these rules in their present form. Firstly it is undesirable to allow the Commissioner of Customs to act alone as to wrecks. The concurrence of the consul of the nationality of the vessel in his decision should be required. Secondly the provision in paragraph 3 that "if the proceeds of the sale "are not sufficient to cover "expenses of marking and removal "the owners shall be compelled to "pay the deficiency and the claim "shall be enforced by suit" might involve

involve great hardship. It is evident moreover that no suit for the recovery of such deficiency could be successfully maintained against American owners unless the law of the United States made provision therefor.

The trouble experienced at Shanghai and other Chinese ports from the blocking of channels by wrecks, and the consequent deposit of silt, show how necessary it is that definite rules for their removal should be adopted and enforced. In conversation with me the Ministers of the Yamên expressed a willingness to modify their proposed rules to conform to the practice abroad, and they

asked

asked to be informed as to wherein these rules differed from those enforced by the United States. With a view to supplying this information, I request the Department to inform this Legation what is the practice of the United States as to the removal of wrecks.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosure:

The Yamên to Mr. Denby No 19

June 14th 1896.

Enclosure in No: 2548.

The Tsungli Yamen to Mr. Denby Jr.

No.19 June 14th, 1896.

Your Excellency:

Upon the 9th of June the Yamen received a communication from the Inspector General of Customs acknowledging the Yamen's instructions stating that the United States Minister had addressed the Prince and Ministers touching the bar at Woosung which proved detrimental to the commercial interests of Shanghai; that the steamer "Feima lies sunk there and the Swedish ship "Nora" as well, in the "Feima" channel and if these vessels are not removed they will obstruct navigation and destroy commerce and the request is made that immediate orders be issued for the removal of the obstructions described.

The Yamen instructed the Taotai at Shanghai to devise means for taking action in the premises, and also addressed the Inspector General of Customs to at once take the matter under consideration and report.

The Inspector General of Customs has now reported stating that of the shoal places on the coast of China the most important in its effects and results on navigation are those in the vicinity of Woosung at Shanghai. If some universal forced rule be not adopted it will not be easy to deal with the matter.

In Western Countries there are established regulations in regard to who shall remove vessels sunken in the track of vessels and how it shall be done. The regulations in force in these countries are nearly the same, only differing a little.

As the commerce of Great Britain is the greatest, the regulations adopted by that country are very satisfactory.

The Yemen instructed the Tourist at Shanghai to receive messa-
ges forthwith on the Premises, and also addressed the Inspec-
tor General of Customs to at once take the matter under consider-
ation and report.

The Inspector General of Customs has now reported after
that to the above hrases on the coast of China the most important
in its effects and results on navigation are those in the vicinity
of Woosung at Shanghai. It seems unnecessary to say as not
adopted it will not be easy to deal with the matter.

In Western countries there are established regulations in
regard to who shall remove vessels sunken in the track of vessels
and how it shall be done. The regulations in force in these
countries are nearly the same, only differing a little.

As the commerce of Great Britain is the Greatest, the regula-
tions adopted by that country are very satisfactory.

satisfactory.

These rules are proposed to be adopted universally in China and to be carried out in like manner where Chinese and foreign vessels are sunk on the coast of China.

The Yamen would observe that the regulations proposed by the Inspector General of Customs are very satisfactory and well prepared and are to be generally enforced by China, so that Chinese and foreign vessels may know what they are to rely upon.

In sending this communication to the Charge d'Affaires of the United States the Prince and Ministers beg that he will inform the U.S. Consuls of these regulations and favor them with a reply.

reply.

from the U.S. Consuls of these regulations and treat them with a

the United States the Prince and Minister pay that he will in-

In sending this communication to the Chefoo Magistrate of

and therein we assure may know what they are to rely upon.

pared and are to be Rigorously enforced by China, so that Chinese

Inspector General of Customs are very satisfactory and well pre-

The Yamen would observe that the regulations proposed by the

we assure the Chinese and therein

and to be carried out in like manner where Chinese and therein

These rules are proposed to be adopted uniformly in China

satisfactory.

WRECKS:- Regulations for their removal, etc.

1. Whenever any vessel is sunk, stranded, or abandoned in any river or harbour of China, or in or near the usual tracks of vessels along the coast of China, it shall rest with the Commissioner of Customs at the nearest port to decide whether or not the wreck is or is likely to become an obstruction to navigation.

2. If the Commissioner of Customs decides that the wreck is an obstruction to navigation he shall at once take possession of vessel and cargo; and shall notify the owners that (a) they will be allowed to carry on salvage operations, on giving a legal guarantee that they will, at their own expense completely remove, the wreck within the time to be fixed by the Commissioner of Customs according to circumstances, and will bear all expenses of marking and lighting the wreck until removal is accomplished; and that (b) failing the production of such a guarantee within 3 days of notice received from the Commissioner, the Customs will proceed to remove the wreck, keeping possession of all material and cargo salved.

3. If the Customs removes the wreck the cargo and material salved shallbe sold by the Commissioner, and the proceeds of sale shall be devoted to repayment of the expenses of marking and removing the wreck. If there is any surplus after all expenses are paid it shall be handed over to the owners; and if the proceeds of sale are not sufficient to

WRECKS:- Regulations for

_____

theft removal, etc.

1. Whenever any vessel is sunk, stranded, or abandoned in any tidal water or harbour of China, or in or near the usual tracks of vessels, and

2. If the Commissioner of Customs decides that the wreck is or is likely to become an obstruction to navigation.

3. If the Customs removes the wreck the cargo and materials saved shall be sold by the Commissioner, and the proceeds of sale shall be devoted to repayment of the expenses of marking and removing the wreck. If there is any surplus after all expenses are paid it shall be handed over to the owners: and if the proceeds of sale are not sufficient to

will bear all expenses of marking and lighting the wreck and must (a) Failing the result is accomplished: and first production of such a guarantee within 3 days of notice receiving be from the Commissioner, the Customs will proceed to remove the wreck, keeping possession of all materials and cargo saved.

4. If the Customs removes the wreck the cargo and materials saved shall be sold by the Commissioner, and the proceeds of sale shall be devoted to repayment of the expenses of marking and removing the wreck. If there is any surplus after all expenses are paid it shall be handed over to the owners: and if the proceeds of sale are not sufficient to

5. If the Commissioner of Customs decides that the wreck is an obstruction to navigation he shall at once take possession of cargo: and shall notify the owners that (a) they will be allowed to carry on salvage operations, on Giving a bond Guarantee that they will, at their own expense completely remove, the wreck within the time to be fixed by the Commissioner of Customs according to circumstances, and will bear all expenses of marking and lighting the wreck and must

6. Whenever any vessel is sunk, stranded, or abandoned in any tidal water or harbour of China, or in or near the usual tracks of vessels, and

to cover expenses of marking and removal, the owners shall be compelled to pay the deficiency, and the claim shall be enforced by suit.

to cover expenses of marking and removal, the owners shall be compelled to pay the deficiency, and the claim shall be enforced by suit.

COPIED. FOREIGN RELATIONS.
ASSISTANT SECRETARY
JUL 25 1896
DEPARTMENT OF STATE.

No. 2549

Legation of the United States,
Peking, June 19th 1896.

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RECD.
JUL 25 1896
DEPT. of STATE.

DIPLOMATIC
JUL 27 1896
BUREAU.

Mr. Denby Jr. to the
Secretary of State.

Acknd. July 28.

Subject:

Missionary troubles in Hunan.

Synopsis

Assault on an American Presbyterian Chapel at Lan Mo in Hunan and persecution of native Christians. Yamên acts at once on Mr. Denby's request.

No. 2549.

Legation of the United States,
Peking, June 19th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that, on the 9th instant, I received a letter from Mr. W. H. Lingle, of the American Presbyterian Mission at Lien Chou, in northern Kuangtung, stating that at Lam Mo*, in southern Hunan, mission property had been destroyed and native Christians

* Peking dialect [臨武]
Lin Wu

Christians made the victims of oppression. Mr. Lingle stated that his mission had been established in that vicinity for six years and numbered 100 converts, against whom a sort of crusade has latterly been inaugurated. They have been beaten, robbed, driven from home, deprived of lands and houses. Proclamations have been issued forbidding them to buy or lease property and forbidding their intermarriage with other people. Mr. Lingle was himself mobbed and insulted, his workmen were

were driven away and the materials for a chapel which he had prepared were carried away before his face. He stated that the local authorities refused to entertain his complaints and he appealed to this Legation for redress.

On the 16th instant, I presented this case to the Yamên in a personal interview and I was favorably heard. While I was still present at the Yamên telegraphic orders were sent the Viceroys at Hankow and at Canton to command the Hunan officials

officials to afford protection and redress. Human being in the consular jurisdiction of the Consul at Hankow it was agreed between the Yamên and myself that further representations in this case, if necessary, should be addressed by Mr. Child to the Viceroy.

I have written Mr. Child instructing him to this effect.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d' Affaires ad interim.

File

No 2549.

DIPLOMATIC
AUG 6 1896
BUREAU

ASSISTANT SECRETARY
AUG 6 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
AUG 5 1896
DEPT. OF STATE

Legation of the United States

Peking, June 24th, 1896.

Mr. Denby, Chargé,

to the Secretary of State.

Subject

Mr. Hixson's leave of absence.

Synopsis

Mr. Hixson ill, wishes to leave

but vice consul not yet appointed.

Mr. Denby advises him to ask

telegraphic instructions.

No 2549.

Legation of the United States.

Peking, June 24th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform you that I have received a despatch from Mr. Jernigan, stating that Consul Hixson at Foochow, being in bad health, is desirous of availing of the Department's permission to visit the United States but unable to do so because Vice-consul Churchill has

has resigned and he has no information as to your action on the nomination of his brother to succeed him. Consul Hixson requests Mr. Jernigan to take some action to enable him to go at once, and Mr. Jernigan asks my advice in the premises.

I have suggested to Mr. Jernigan to wire to you asking telegraphic confirmation of the nomination of Mr. Hixson's brother as vice consul and telegraphic authorization to Consul Hixson to avail at once of his leave. Leaves of absence of consuls and the nomination of vice consuls are matters on which the Consular Regulations require

require the approval of the Consul General not of the Legation, but I endorse Mr. Jernigan's approval of Mr. Hixson's request.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

COPIED. FOREIGN RELATIONS.
DIPLOMATIC
AUG 6 1896
BUREAU.

Fil

No 2550.

Legation of the United States.

Peking, June 25th, 1896.

INDEX BUREAU
RECD.
AUG 5 1896
DEPT. OF STATE

Mr. Denby Jr. to the

Secretary of State.

Subject

Baptist Missionary Union claim

Synopsis

This claim being now paid Mr. Denby is of opinion that further inquiry as to the items thereof is inadvisable.

№2550.

Legation of the United States.

Peking, June 25th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatch №1272, of the 14th ultimo, concerning certain items in the claim of the American Baptist Missionary Union for losses in Szechuan, which claim was referred to you in Minister Denby's despatch №2479, of February 14th last.

The

The full amount of this claim having been voluntarily paid by China, as set forth in my despatch No 2539, of the 3rd instant, and the matter being now disposed of, this Legation will await your further instructions before taking any steps looking toward a revision thereof. Whatever doubts may exist as to the propriety of some of the items in the claim as paid, I am of the opinion that reconsideration thereof is now inadvisable.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim.

DIPLOMATIC
AUG 6 1896
BUREAU.

ASSISTANT SECRETARY
AUG 6 1896
DEPARTMENT OF STATE

No 2551.

Legation of the United States.

Peking, June 26th, 1896.

INDEX BUREAU
RECD.
AUG 5 1896
DEPT. of STATE

Mr. Denby Jr. to the

Secretary of State.

Subject.

China enters Postal Union

Dft sent
Ack sent
To Post Office, Aug. 6.
Sent to Aid. Aug. 6.

Synopsis

Translation of despatch to above effect enclosed.

One enclosure.

No 2551.

Legation of the United States.

Peking, June 26th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to

enclose, herewith, a translation

of a despatch from the Yamên,

received on the 24th instant, in

which the extension of the Chinese

postal system and China's

entrance into the International

Postal Union are definitely

announced. This carries out the

plan outlined in this Legation's

despatch

despatch No. 2519, of the 2nd May.

I am informed that the new system is to go into operation on the 1st proximo.

The Yamên asks "that Americans "residing in China be requested "hereafter to send their mail "through the Chinese Government "post offices in accordance with "international rule".

As ample notice of the increased facilities of the Chinese postal service will be given at all ports by the Customs officials, and as Americans will avail of those facilities, without any notice on the part of this Legation, if they find it desirable to do so, I do not consider it advisable

to

to make any formal notification in the premises. A copy of the Yamên's despatch has been sent to the Consul General at Shanghai for his information.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

Enclosure:

The Tsungli Yamên to Mr. Denby No 20, June 24. 1896.

Enclosure in No. 2551.

Copy.

The Tsungli Yamen to Mr. Denby Jr.

No.20 June 24th, 1896.

Your Excellency:

The Prince and Ministers have the honor to inform the Chargé d' Affaires of the United States that on the 20th March last the Yamen presented a memorial to the Emperor and received His Majesty's sanction for the extension of the present Customs Postal System and that China should enter the International Postal Union.

Instructions were issued to the Inspector General of Customs, to take the entire management of this business, to prepare rules and fix a time for carrying the new system into effect. The Inspector General of Customs has prepared rules for the service which, generally speaking, are minutely arranged.

Further the Yamen prepared an official communication which has been sent to His Excellency Kung, Chinese Minister to England, to be forwarded to the Administration of the International Postal Union in ~~Sweden,~~ Switzerland as evidence of China entering the Postal Union.

The Inspector General of Customs, further reports that Post offices will thereupon be established in their order at the Treaty Ports and put into operation.

As in duty bound the Prince and Ministers send this communication for the information of the Chargé d' Affaires of the United States, and to ask that Americans residing in China, be requested hereafter to send their mail matter through the Chinese Government Post offices in accordance with International rule.

The Imperial Yamen to Mr. Denby &c.

No. 50 June 24th, 1898.

Your Excellency:

The Prince and Ministers have the honor to inform the Charge d'Affaires of the United States that on the 20th March last the Yamen presented a memorial to the Emperor and received His Majesty's sanction for the extension of the present Customs Postal System and that China should enter the International Postal Union.

Instructions were issued to the Inspector General of Customs to take the entire management of this business, to prepare rules and fix a time for carrying the new system into effect. The Inspector General of Customs has prepared rules which meet with the approval of the Chinese Government and have been sent to His Excellency Knox, Chinese Minister to England, to be forwarded to the Administration of the International Postal Union in London as evidence of China entering the Postal Union.

The Inspector General of Customs, further reports that Post Offices will forthwith be established in their order as the Treaty Ports and but into operation.

As in duty bound the Prince and Ministers send this communication for the information of the Charge d'Affaires of the United States, and to ask that American Residents in China, be reassured that no such Imperial Edict affect the Chinese Government Post Offices in accordance with International rule.

DIPLOMATIC
No. 1052. 1896
BUREAU.

INDEX BUREAU
RECD.
AUG 5 1896
DEPT. OF STATE

ASSISTANT SECRETARY
AUG 6 1896
DEPARTMENT OF STATE

Legation of the United States.

Peking, June 26th, 1896.

Mr. Denby Jr. to the

Secretary of State.

To Treasury
Aug. 7

Subject

Certificates for Chinese to enter the United States.

Synopsis

Only four applications for such certificates made to this Legation, in which cases the certificate has been issued by the Taotai and visèed by the American consul. China has not refused to issue certificates.

No 2552.

Legation of the United States.

Peking, June 26th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatch No 1278, of the 21st May, instructing me to inquire of the Yamên as to whether or not the Chinese Government has at any time, since the date of the act of Congress approved July 5th, 1884, declined to issue the certificates therein provided for.

In

In reply to this despatch I have the honor to state that the Chinese Government has never, of its own initiative, issued the certificates in question nor has it ever declined to issue them. The certificates which have been so issued from the date of said act up to the present time have been four in number and the applications therefor have all been addressed to this Legation. The first application received was from Rev. Lai Ki for permission to return to the United States. In his behalf Minister Denby addressed the Yamên, in June 1887, and received a reply in which they stated that they had

never

never previously issued such passports but that they would do so in the present case "as a special arrangement". [See Foreign Relations 1887 p. 223].

The next application came from Alvin T. Howe, a Chinese subject. In this case Mr. Denby instructed Mr Howe to proceed to Shanghai to apply for a passport from the Taotai there and have it visèed by the United States Consul General. This procedure was adopted with satisfaction to all and was approved by the Acting Secretary of the Treasury. [See Mr. Blaine to Mr. Denby No 530, May 17th, 1890, Foreign Relations 1890 p. 186].

In

In the recent case of Tien Shu-nien and Liu Ming-chuan, reported in my despatch No 2538, of the 2nd instant, I followed the above procedure. At my request passports were issued by the Tientsin Taotai and viséed by the United States consul at Tientsin.

No difficulty will be encountered by Chinese wishing to visit the United States, and qualified to do so, who make application in the above manner for the certificates required. A simpler method might lead to abuse of the privilege.

I have the honor to be, Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

ASSISTANT SECRETARY
AUG 6 1896
DEPARTMENT OF STATE.

No 2553. DIPLOMATIC

AUG 6 1896

Legation of the United States.

INDEX BUREAU
RECD.
AUG 5 1896
DEPT. OF STATE.

Peking, July 1st 1896.

Mr. Denby Jr. to the

Secretary of State.

Subject

Death of Emperor's mother.

Synopsis

Death of Emperor's mother of no political importance. Mourning to be observed.

No 2553.

Legation of the United States.

Peking, July 1st, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to report the death, on the 18th ultimo, of the Princess Chun, widow of the late Seventh Prince and mother of the Emperor. This incident is of no political importance. I report it because a rumor seems to have gone abroad that it was the Empress Dowager who had died.

The

The Emperor wore full mourning of a son for a parent for one day, he abstained from attendance at court for eleven days and will observe half-mourning rites for one year.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim

No 2554.

DIPLOMATIC
AUG 6 1896
BUREAU

Rec'd Aug 6. 1896. Ans'd Aug 6/96

INDEX BUREAU
RECD.
AUG 5 1896
DEPT. OF STATE

Legation of the United States.

Peking, July 1st, 1896.

— Wm. Woodville Rockhill —

to the

— Secretary of State. —

— Subject —

Indent for a supply of transport.

— - - - —

No 2554.

Legation of the United States
Peking, July 1st, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington D.C.

Sir:—

I have the honor to request the Department to send this Legation a supply of blank passports.

I have the honor to be,
Sir,
Your obedient servant,
Chas. Denby Jr.

DIPLOMATIC

No 2555 AUG 6 1896

BUREAU.

Dept. Post Gen'l. To P.M. Gen'l Ask for

Legation of the United States.

INDEX BUREAU REC'D. AUG 5 1896 DEPT. OF STATE

Peking, July 3rd, 1896

ASSISTANT SECRETARY AUG 6 1896 DEPARTMENT OF STATE.

Mr. Denby Jr. to the

Secretary of State.

To Post Office Aug. 6. Recd. Aug. 6.

Subject

China and postal service extension.

Synopsis

Postal service extension to be gradual. Several years may elapse before foreign mails are handled.

No 2555.

Legation of the United States.

Peking, July 3rd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In my despatch No 2551,
of the 26th ultimo, reporting that
China had entered the Postal
Union, I stated that the new
system would go into operation
on the 1st of July. It seems,
however, that the proposed extension
of the Customs Postal System is
to be gradual and tentative. On
the 1st instant, the Customs couriers

began

began to run to some additional places in China no list of which has been as yet supplied and no notification whereof has been given. On the 1st of January, 1897, it is hoped by the Inspector General that the Customs Post will be able to deliver at all treaty ports all mail originating both in China and abroad. As to the mail originating in China and addressed to foreign countries there will be still greater delay before the present system will be changed. At present the Customs Postal Service delivers all mail for abroad to the foreign post-offices American, British, French, German and Japanese at Shanghai, or to the

the British office at Hongkong.

It is the intention of the Government to make the portal department a source of revenue and no extensions will be inaugurated which threaten to become a charge upon the service.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

ASSISTANT SECRETARY
AUG 6 1896
DEPARTMENT OF STATE

Dupl. Rec'd. to Treasury Dept. Aug 6

No. 2556.

Legation of the United States,

Peking, July 3rd, 1896.

INDEX BUREAU
RECD.
AUG 5 1896
DEPT. OF STATE

DIPLOMATIC
AUG 6 1896
BUREAU.

Mr. Denby Jr. to the

Secretary of State.

To Treasury aug. 6. Received aug. 6.

Subject:

Rules to prevent export of counterfeit coins.

Synopsis:

Coin and bullion will hereafter be examined before permit to ship is issued to prevent export of counterfeit.

No. 2556

Legation of the United States,
Peking, July 3rd, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that I am in receipt of a despatch from the Tsungli Yamên, dated the 27th ultimo, in which they inform me that, acting on the representations of the ministers of Great Britain, Japan and the Netherlands, they have adopted a more

stringent

stringent method of procedure
regarding the export of coin
and bullion, in order to
prevent counterfeit silver coin
being exported from China
for circulation abroad.
Under the Customs rules
[1º] all merchandise for export
must be examined; [2º] Customs
permits must be obtained for
the landing and shipping of
cargo; [3º] merchandise unaccompanied
by such permit may be
confiscated. These rules
have not hitherto been
enforced regarding bullion
and coin. In future, however,
bullion and coin, both gold
and silver, must be
reported

reported to the Customs, specifying marks and quantity, and application must be made for a permit to ship or land the same. Unaccompanied by such permit it shall be liable to confiscation.

The enforcement of these rules will doubtless prove efficacious in preventing the shipment from China of counterfeit coins for circulation in Japan and in the colonies of Great Britain and the Netherlands.

It is in these localities only that the evil is complained of.

I

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim

Enclosure:

The Tsungli Yamên to Mr. Denby

No 21, June 27th, 1896.

Enclosure in No. 2556.

The Tsungli Yamen to Mr. Denby Jr.

No.21 Peking, June 27th, 1896.

Your Excellency:

The Prince and Ministers have the honor to inform the Chargé d' Affaires of the United States that the Yamen has from time to time received communications from the Diplomatic representatives of Great Britain, Japan and the Netherlands in regard to silver coins being counterfeited in China, exported and circulated in foreign countries.

The Yamen made enquiry of the Inspector General of Customs as to the exportation of counterfeit coins and received a report from him stating that hitherto the customs have never examined boxes containing gold and silver bullion or coin. In order to make a thorough investigation of the abuse complained of the Customs Taotai should issue a notification to Chinese merchants and the foreign Consuls a notification to their merchants. The Customs authorities will then have some way of moving in the matter.

The Yamen presented a memorial to the Emperor requesting that regulations for the examination of bullion or coin, both gold and silver, be issued so that the illicit practice complained of may be checked. His Majesty, on the 7th of February last issued a Decree as follows: "Let action be taken as suggested."

In accordance with His Majesty's Decree instructions were issued to the Inspector General of Customs to give due consideration to the question.

The Inspector General has now submitted a report in which he states that under existing rules (1) all merchandize must be

Customs — Articles

The Yamen to H.B.M.'s Consul at Peking.

No. 15 Peking, June 27th, 1880.

Your Excellency:

The Prince and Ministers have the honor to inform the Chargé d'Affaires of the United States that the Yamen has also received communications from the Diplomatic Representatives of Great Britain, Japan and the Netherlands in Peking exporting and importing coins being counterfeited in China, circulated in foreign countries.

The Yamen made enquiry of the Inspector General of Customs as to the exportation of counterfeit coins and received a report in which he stated that under existing rules (1) all merchandise must be

The Inspector General has now submitted a report in which he says that he is informed by the Chargé d'Affaires of the United States that he has received communications from the Diplomatic Representatives of Great Britain, Japan and the Netherlands stating that coins being counterfeited in China, exported and brought to Hiogo and Nagasaki are being circulated in foreign countries.

The Yamen has the honor to request that the Chargé d'Affaires will bring the matter to the notice of his Government, in order that steps may be taken to prevent the exportation of counterfeit coins and to request that the Inspector General of Customs may be instructed to take such measures as may be deemed necessary to put a stop to the practice.

In accordance with His Majesty's Decree instructions were issued to the Inspector General of Customs to give due consideration to the matter, and to report in which

The Yamen presented a memorial to the Emperor requesting that regulations for the examination of bullion at sea, both Gold and Silver, be issued so that the illicit practice complained of may be checked. His Majesty, on the 17th of February last issued a Decree as follows: "Let action be taken as suggested."

In accordance with His Majesty's Decree instructions were issued to the Inspector General of Customs to give due consideration to the matter, and to report in which

The Yamen presented a memorial to the Emperor requesting that regulations for the examination of bullion at sea, both Gold and Silver, be issued so that the illicit practice complained of may be checked. His Majesty, on the 17th of February last issued a Decree as follows: "Let action be taken as suggested."

be examined by the Customs; (2) Customs permits must be obtained for the landing and shipping of cargo; (3) merchandize unaccompanied by such permits shall be liable to confiscation.

These rules have never been enforced so far as bullion or coin are concerned. All shipments of gold or silver without regard to the denomination of the coin, money or sycee, should be reported to the Customs, specifying the marks, quantity and description thereof and application for a permit to land or ship be made. Bullion or coin unaccompanied by proper permits shall be regarded as illicitly shipped, counterfeited and confiscated.

The Yamen would observe that landing and shipping permits are required for all merchandize. Strenuous measures should be taken to prevent the exportation of counterfeit silver coins and it should be clearly made known that the regulations in force applicable to merchandize should also apply to bullion or coin.

The rules proposed by the Inspector General are to prevent the abuse of spreading abroad counterfeit money, which will prove advantageous to the interest of commerce.

The Yamen has addressed the Ministers Superintendent of Northern and Southern Trade to take action in accordance with existing rules. The Prince and Ministers would beg to request the Chargé d'Affaires of the United States to instruct the U.S. Consuls at the Treaty ports to notify American merchants to act in accordance therewith.

To Charles Denby Jr., Esq.,

etc. etc. etc.

etc. etc. etc.

To Charles Denby Jr., Esq.,

In accordance therewith.

Consuls at the Treaty ports to notify American merchants to act

the Charge d'Affaires of the United States to instruct the U.S.

existing rules. The Prince and Ministers would beg to request

Portsmouth and Southern Trade to take action in accordance with

     The Yamen has addressed the Ministers Superintendent of

advantageous to the interest of commerce.

the sense of objecting opium consular money, which will prove

     The rules proposed by the Inspector General are to prevent

cable to merchandize should also apply to pulling of coin.

be examined by the Customs: (3) Customs permits must be obtained

for the landing and shipping of cargo: (4) merchandize accompan-

ied by such permits shall be liable to confiscation.

     These rules have never been enforced so far as pulling of

coin are concerned. All shipments to Hong Kong or elsewhere with-

Hong of the denomination of the coin, money or specie, should be

reported to the Customs, specifying the marks, quantity and de-

scription thereof, and application for a permit of land or ship

to be made. Pulling of coin unaccompanied by proper permits shall

be regarded as illicitly shipped, confiscated and contraband.

     The Yamen would observe that landing and shipping permits are

in accordance therewith.

To Charles Denby Jr., Esq.,

etc. etc. etc.

ASSISTANT SECRETARY
AUG
DEPARTMENT OF STATE.

DIPLOMATIC

No 2557. AUG 6 1896

BUREAU.

INDEX BUREAU
REC'D.
AUG 5 1896
DEPT. OF STATE

Legation of the United States.

Peking, July 3rd, 1896.

Mr. Denby Jr. to the

Secretary of State.

Acknd. Aug. 7.

Subject

China - Japan commercial treaty.

Synopsis

The Japanese and Chinese negotiators have agreed to leave undecided the dispute as to the taxing of products of Japanese mills in China until said mills actually begin operations.

No 2557.

Legation of the United States.

Peking, July 3rd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to report that the negotiation of the Commercial Convention between China and Japan, in which little progress has thus far been made, now promises to be brought to a speedy conclusion. The Japanese minister and the Chinese negotiators, finding that they were unable to agree as to the construction

of

of paragraph 6 of Article VI of the Treaty of Shimonoseki, the Chinese asserting a right to tax the product of Japanese mills and the Japanese denying it, have decided to proceed with the commercial treaty leaving this matter in abeyance. It will not be decided until Japanese mills having been erected and being in operation, an attempt shall be made by China to impose a tax upon the product thereof. The concrete case thereupon arising will be settled probably by resort to arbitration.

The opinion prevails here that the Chinese will carry their point and cotton-mill stock

in

in Shanghai has, in consequence, already declined.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim.

ASSISTANT SECRETARY
AUG 19 1896
DEPARTMENT OF STATE.

No 2558. DIPLOMATIC

AUG 20 1896
BUREAU

Legation of the United States.

INDEX BUREAU
REC'D.
AUG 19 1896
DEPT OF STATE

Peking, July 6th, 1896.

Mr. Denby Jr. to the

Secretary of State.

Acknd Aug. 20

Subject

Closing of Ningpo Consulate.

Synopsis

Mr. Fowler writes that the Ningpo Consulate was to be closed on the 30th June. In the absence of any instructions in the premises this Legation reserves approval of Mr. Fowler's action

№ 2558.

Legation of the United States.

Peking, July 6th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to state that I am in receipt of a despatch from Mr. Fowler, United States Consul at Ningpo, in which he states that that consulate will be closed from June 30th, after which date the interests of the United States in the province of Chekiang will be under the Consul General at Shanghai.

I

I have written Mr. Fowler that this Legation has no official knowledge of the closing of the Consulate at Ningpo, nor of his transfer to Chefoo; that no commission for him had been received nor had I been instructed to ask for his recognition. I accordingly informed him that this Legation reserves its approval of his action until the Department's instructions in the premises shall have been received.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Sep.

Asked Sept. 5, 1896.

ASSISTANT SECRETARY
AUG 19 1896
DEPARTMENT OF STATE.

Legation of the United States.

INDEX BUREAU
RECD.
AUG 19 1896
DEPT. OF STATE

Peking, July 7th, 1896.

DIPLOMATIC
AUG 20 1896
BUREAU.

Mr. Denby Jr. to the

Secretary of State.

Subject

Asks for another typewriter.

Sep.

Legation of the United States.

Peking, July 7th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In your despatch No 1173, of the 14th October last, advising the shipment of a type-writer to this Legation, you state that you await a further report before determining as to the second machine asked for.

I have now the honor to renew the request for another machine. The one in use here

is

is of the utmost utility. It is used almost exclusively for our voluminous consular and miscellaneous correspondence and for the uniting of enclosures and has greatly diminished the labor of manifold copying. The necessity for a second machine is twofold. The machine now in use is in the room of the second secretary, on the second floor of the Legation offices. It would be a great convenience to have another on the first floor in the office of the first secretary. Secondly the small parts of the machine are liable to break. Duplicate parts cannot be procured in China and an insignificant

breakage

breakage may leave us for months without the use of the typewriter upon which we are now dependent.

At present our machine is partly crippled by the breaking of a small spring [Nº 201 in the catalogue of parts] and may at any moment become useless. I request that a duplicate of this piece be supplied.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d' Affaires ad interim

Gitp

DIPLOMATIC BUREAU
JUL 9 1896

Acknowledged July 9/96

Ans'd by tel July 8, 1896

Legation of the U.S. to China

No II

Yokuhama, July 8, 1896

Form No. 1.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON: No. 21 Royal Exchange, E. C. No. 109 Fenchurch Street, E. C.
LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
4				Yokohama

RECEIVED at Washn July 8

ASSISTANT SECRETARY JUL 8 1896 DEPARTMENT OF STATE

4 11 0a

Olney Washn DC

Months Extension requested

Sickness Denby

DIPLOMATIC
AUG 19 1896
BUREAU

ASSISTANT SECRETARY
AUG 19 1896
DEPARTMENT OF STATE.

No 2559

Legation of the United States,

Peking, July 10th, 1896.

INDEX BUREAU
RECD.
AUG 19 1896
DEPT. OF STATE

Mr. Denby Jr. to the

Secretary of State.

Dft'd Prud
Dft'd Approve
Ack Dft
NR

Ackd. Aug. 20 Vo

Subject:

American Concession at Tientsin.

Synopsis:

The Taotai at Tientsin requests an assurance that the American Government will never ask for another concession after giving up its present one. Legation declines to commit the Government.

One enclosure.

No 2559.

Legation of the United States.
Peking, July 10th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In obedience to your instruction No 1270, of the 9th May, I directed Consul Read, at Tientsin, in a despatch dated June 25th, to notify the Taotai that I was directed by you to say that the United States Government abandoned all jurisdiction over the land known as the

the "American Concession" at that port.

This notification was made to the Taotai by Mr. Read in a note dated the 27th June. In a reply from the Taotai, dated the 5th July, copy of which is enclosed, he states that "upon the "understanding that the "American Government will not, "at some future day demand "another settlement at Tientsin" he will at once transfer the present American settlement to the control of the German Government.

1
2559

I have instructed Mr. Read to "inform the Taotai that the United

"United States Government,
"having abandoned all claim
"to jurisdiction over the said
"land, can make no objection
"to any disposition thereof
"by China which does not
"affect the anterior rights of
"Americans, if any, therein, but
"that neither this Legation nor
"the Tientsin Consulate can
"commit the Government to any
"future policy as to concessions
"at Tientsin or elsewhere, and
"that such future policy
"cannot be implicated in the
"present case."

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosure:

Despatch from Taotai Li to U. S. Consul, Tientsin, July 5th, 1896.

Enclosure in No. 2559.

COPY.

Tientsin, China,

July 5th, 1896.

To

Sheridan P. Read, Esquire,

Consul for the

United States of America,

Tientsin.

Sir:

I have the honor to acknowledge the receipt, on the 1st instant, of your despatch to the following effect:-

"Whereas I have had the honor to receive a communication from His Excellency the Minister for the United States of America at Peking stating that he had been placed in receipt of a despatch dated May 9th, 1896, from the Department of State, to the effect that with reference to the land at Tientsin, China, formerly granted by China as an American Settlement, the American Government does not wish said land, nor does it desire to exercise any control over same. The Department has, therefore, instructed the Minister to direct the American Consul at Tientsin to communicate this fact to the Customs Taotai at Tientsin for his information."

In accordance with my Minister's instructions, I now therefore, place the above information in Your Excellency's possession."

Now, with reference to the above subject, I find that, last year, when the German Government was taking steps to establish a Concession in Tientsin, His Excellency Minister Denby communicated with the Tsungli Yamen, who then communicated with the Viceroy of Chihli, directing him to inform the Customs Taotai that the

Enclosure in No 2550.

COPY.

Tientsin, China,

July 27th, 1880.

TO

Sheridan P. Read, Esquire.

Consul for the

United States of America.

Tientsin.

SIR:

I have the honor to acknowledge the receipt, on the 1st instant, of your despatch of the following effect:-

"Mr. Evans I have had the honor to receive a communication from His Excellency the Minister for the United States to China dated May 8th, 1880, from the Department of State of the effect that with reference to the land at Tientsin, China, formerly Tientsin as an American settlement, the American Government does not wish said land, nor does it desire to exercise any control over same. The Department has, therefore, instructed the Minister to direct the American Consul at Tientsin to communicate this fact to the Customs Taotai at Tientsin for his information."

In accordance with the Minister's instructions, I now therewith have the honor to inform Your Excellency, s possession.

Now, with reference to the above subject, I find that, less a concession in Tientsin, His Excellency Minister Denby communicated with the Yamen, who then communicated with the Viceroy of Chihli directing him to inform the Customs Taotai that the

the land formerly granted as an American Settlement could not be granted to any other power, and that it must be reserved for its original purpose.

Owing to the increase of population and foreign trade at Tientsin, the land to the south of the American Settlement has this year been assigned to meet the requirements of same, the Settlements adjoining Tzu-chu-lin having been found entirely inadequate for the accommodation of said trade and increased population. The said additional land has, therefore, now been assigned to the German Government, the present Chinese owners having been requested to move, and great expense having been incurred regarding same.

With reference to the American Settlement, it was formerly granted to the American Government as a Settlement. If, then, the said Settlement be now relinquished infavor of another country and the American Government should at some future day desire to establish another Settlement in Tientsin, not only will it be most difficult, owing to the ever-increasing population, to assign another piece of land for such purpose, but I feel confident that the American Government would be unwilling to place China in such an embarrassing predicament as would arise from such request.

I have the honor, therefore, to beg that you will be so good as to inform His Excellency the Minister for the United States of America at Peking, that, upon the understanding that the American Government will not at some future day demand another Settlement at Tientsin, I shall then at once transfer the present American Settlement to the control of the German Government.

Trusting to be favored with your reply in due course, that this matter may be brought to final conclusion,

I have etc.,

(Sealed) Li Ming-san.

the land formerly granted as an American settlement could not be granted to any other power, and that it must be reserved for its original purpose.

Owing to the increase of population and foreign trade at Tientsin, the land to the south of the American settlement has been divided into eighteen lots, the present need assigned to them of these lots some, the Municipal Council has been increased population and increase to size trade and accommodation of the enlarge need Extra-mile Native need formed sufficiently land-settlements adjoining. The old land additional land has, therefore, now need enlargement of Tientsin. The present Chinese owners Native need land of the German Government, the present Chinese owners Native need land-granted to move, and grant expense Native need increased to from the same.

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I have the honor, therefore, to ask that you will be so good as to inform His Excellency the Minister for the United States of America at Peking that, upon the understanding that the American Government will not at some future day demand another settlement at Tientsin, I shall then at once transfer the present American Settlement to the control of the German Government.

Trusting to be favored with your reply in due course, that this matter may be brought to final conclusion.

I have etc.,

(Sealed) Li Ming-sen.

DIPLOMATIC

No. 2560. AUG 19 1896

BUREAU.

ASSISTANT SECRETARY
AUG 19 1895
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
AUG 19 1896
DEPT OF STATE

Legation of the United States.

Peking, July 10th, 1893.

Mr. Denby to the

Acted Aug. 20 Secretary of State.

Subject

The Russian jetty at Chefoo.

Synopsis

Controversy over the Russian jetty at Chefoo settled by the acceptance of China's proposition to build a public jetty.

Two enclosures.

No 2560.

Legation of the United States.

Peking, July 10th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

Refering to my despatch No: 2532, of the 22nd May, I have the honor to report that the controversy arising over the concession by China to the Russian Steam Navigation Company of the right to build a jetty at Chefoo, in alleged infringement of the rights of British subjects, has been amicably

settled

settled. The arrangement by which this was brought about was reported to this Legation by the Yamên in a despatch dated the 3rd instant, copy of which is enclosed herewith.

1/2560

There have long existed at Chefoo two jetties situated at no great distance from one another, one of which is the property of Messrs Fergusson & Co. and one the property of Messrs Comabé & Co., both English firms. The space between these jetties is covered at high water and left partly exposed at low. The mainland back of it is faced by a road, or "bund", and the property on the bund overlooking

the

the sea belongs to the above
two firms. The locality in which
the Russian jetty was to be
built ran out from the bund
in front of Fergusson's land
and alongside his jetty. The
grant of the right to build this
jetty had actually been made
to the Russian minister when
the British minister interposed
objections and notified the Yamên
that for damages to the property
of British subjects China would
be held responsible. After some
negotiation the Russian minister
acceded to a plan proposed by
China viz., the construction of
an immense landing place and
jetty to be public property and

at

at the service of all on payment
of a small fee. This is to be
done by filling in all the space
between Fergusson's and Cornabé's
jetties and including them,
and building out therefrom
another jetty into the sea. So
much of this landing place as
Fergusson's and Cornabé's jetties
covered will remain their private
property while the land granted
to the Russians remains also in
their possession, upon which to
build coal sheds or warehouses,
but all three jetties will practically
be a part of the mainland having
access to the sea over the public
jetty on the same terms as all
comers. The enclosed rough sketch
will

2/2560

will make this explanation clearer.

This affair has been misunderstood abroad and has attracted far more attention than its importance justifies.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

Enclosures:

1. The Tsungli Yamen to Mr. Denby No. 22, July 3d, 1896.

2. Sketch map.

Enclosure 1 in No 2560.

The Tsungli Yamen to Mr. Denby Jr.

No.22 Peking, July 3rd, 1896.

Your Excellency:

The Prince and Ministers have the honor to state that referring to the question of jetties at Chefoo, they would state that there are two, one belonging to the firm of Ferguson & Co. and the other to the firm of Cornabé & Co.

Recently the Russian Steam Navigation Company proposed to build a jetty in the same locality as the other jetties. Although the land had been bought, the work of building the proposed jetty had not commenced.

Apart from the above named jetties, foreign merchants of all nationalities should have a jetty for the landing and shipping of merchandize. The foreshore, however, is limited as regards space and it would be improper for every merchant to erect separate jetties at his own free will and pleasure.

The Yamen therefore having in mind the circumstances, discussed the question with the British and Russian Ministers and it was agreed that China should build a public road and jetty which would serve the interests of all concerned and that this would be a just and equitable way of acting in the premises.

Instructions were therefore issued to the Inspector General of Customs, to devise a satisfactory method of dealing with the case. He has now presented a report in which he proposes that the Government of China should fill in the foreshore and apply it for the general public benefit and use, whether the owners of foreshore land wish it or not.

Therefore, in this matter of the erection of a jetty at

Chefoo.

Foreign Office, July 3rd, 1888.

No. 55

Your Excellency:

The Prince and Minister have the honor to state that yesterday the Russian Chargé d'Affaires at Quetzo, they would state that there are two, one belonging to the firm of Peterson & Co. and the other to the firm of Cervante & Co.

Recently the Russian Steam Navigation Company proposed to build a jetty in the same locality as the other jetties. Although the land had been bought the work of building the proposed jetty had not commenced.

Apart from the above named jetties, foreign merchants in all parts of the Republic benefit and use, whether the owners of property live land wise if or not.

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Your Excellency:

No. 55

Foreign Office, July 3rd, 1888.

The Turkish Ambassador

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at Chefoo, the local authorities should, adds the Inspector General of Customs, exercise the authority vested in them and reclaim the necessary water frontage for the purpose stated. Public notifications should be issued for general information warning persons, that without first obtaining the consent of the Customs Authorities they cannot fill in, or build, on the foreshore. At the same time a public road and a jetty for public use should be constructed upon the reclaimed water frontage, within the limits, for shipping and discharging cargo.

The road should be a public one to everyone without let or hindrance and the jetty should be one for general use by which the public at large would be benefitted and no one injured.

On completion of the public road and jetty, it is right and proper that a small wharfage tax should be levied on goods landed and shipped, which would be put to a fund kept for the purpose of keeping the road and jetty annually in repair.

The Inspector General of Customs requests that the matter be given due consideration and his proposal be put into operation.

The Yamen are of the opinion that the proposal of the Inspector General to build a public jetty is very just and reasonable, and the suggestion of levying a small wharfage tax to keep the jetty in repair is in conformity with the system prevailing in Shanghai.

As the amount to be levied will be very small, merchants of all nationalities will find no difficulty in paying it. Instructions have been issued to the Inspector General of Customs to commence work on the building of the proposed jetty at once.

Communications have been addressed to all the Diplomatic representatives on the subject, and as in duty bound the Prince and Ministers send this communication to the Chargé d' Affaires of the United States and would ask him to be good enough to in-

at Chefoo, the local authorities should, adds the Inspector General of Customs, exercise the authority vested in them and reclaim the necessary water frontage for the purpose stated. Public notifications should be issued for general information warning persons, that without first obtaining the consent of the Customs Authorities they cannot fill in, or build, on the foreshore. At the same time a public road and a jetty for public use should be constructed upon the reclaimed water frontage within the limits for shipping and discharging cargo.

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instruct the United States Consul at Chefoo to issue a notification for the guidance of American merchants.

To Charles Denby Jr., Esq.,

etc. etc. etc.

instruct the United States Consul at Chefoo to issue a notifica-
tion for the guidance of American merchants.

To Charles Denby Jr., Esq.,

etc. etc. etc.

Enclosure 2 in No 2560.

Rough Sketch showing proposed Government Jetty at Chefoo.

Note: The blue indicates proposed landing place with projecting jetty.

Enclosure 2 to FOR 2500.

Rough Sketch showing Proposed
Monument Setting at Cafpo.

Note: The three enclosures
Proposed Sanitary Fences
with Proposing Letter.

No 2561. DIPLOMATIC

AUG 20 1896

BUREAU.

Legation of the United States.

Peking, July 11th, 1896.

Mr. Denby Jr. to the Secretary of State.

Acted Aug. 20

Subject

The Ku-chi case in Kwangtung.

Synopsis

The American missionaries request that a commission be appointed to investigate their statements and justify their demands. Mr. Denby thinks grounds for such a commission inadequate.

Four enclosures.

No 2561.

Legation of the United States.

Peking, July 11th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In my despatches No 2537, of the 1st June, and No 2544, of the 9th June, I had the honor to lay before you the case of the conflict between Protestant and Catholic converts at Ku-chi, in Kwangtung.

Since the date of the latter despatch, this case has been the subject of discussion between

this

this Legation, the French Minister, the Tsungli Yamên and Rev. Wm McKibben, who came up from Swatow to present the views of the American missionaries. For reasons refered to in the above despatches, and which will be further explained, it seemed to me that the only practicable solution of the difficulties surrounding this case was to settle it on the following terms: 1º The prisoners on both sides have been set at liberty,* at the request of the French minister and myself— let them remain free and take no action against them: 2º Let the demands for loss of crops on the Protestant side offset the demands for

* Except the leader of the Catholics - then a min who is held for previous crimes.

for one killed and one wounded on the Catholic side, and let all other demands be waived; 3d Let peace be restored and warning proclamations be issued.

To this settlement the French minister and the Chinese Government agree. It does not, however, commend itself to Mr. McKibben, who wishes that a commission be appointed and other action taken. I am unwilling to go beyond the above limits without your instructions and I have so notified Mr. McKibben. He has accordingly decided to appeal the case to Washington.

I enclose, herewith, a copy of

my

1
2561

my letter to Mr. McKibben of the 1st instant, in which I inform him what demands I conceder it practicable to make pending your instructions. These demands I presented to the Yamên on the 7th instant and they have been agreed to. I stated to the Yamên that the first three points were pertinent to this case but that the fourth concerned the Chinese Government alone and was a mere suggestion.

2/2561 Enclosure No 2 is a letter from Mr. McKibben to myself, covering a letter addressed to the Honorable

3/2561 Secretary of State, requesting the appointment of a commission similar to the Chengtu Commission,

to

to examine into this case and making certain other demands. To these papers I append a history of this case prepared by the missionaries at Swatow.

The appeal of the American missionaries for the appointment of an investigating commission has the sympathy of this Legation to a certain extent. They have been working many years in that locality and have gathered together a little community which they now see menaced by what they consider unscrupulous rivalry. The display made by an American commission would strengthen their hands and restore

confidence

confidence to their adherents and facilitate their labors. The finding of the commission, also, if favorable to them, as they believe it would be, would justify them in having brought forward this case and relieve them of the responsibility of having made assertions which are flatly contradicted.

Aside, however, from this sentimental ground there seems no occasion for any further action whatever. The whole case is in hopeless confusion. Every material allegation on one side is denied by the other and both rely exclusively on Chinese testimony, a perfect quicksand of deception. Mr. McKibben states, on page 5

7

of his letter to you, that the truth of his case is confirmed in some particulars by competent American testimony. It is true that Mr. McKibben was at Khokhoi during part of the disorders he speaks of but, on questioning by me, he admitted that his knowledge thereof was entirely from hearsay and that he had seen no overt act of violence. There is no reason to believe that a commission sitting at Swatow, or Khokhoi, would be able to strengthen or detract from the statement prepared by the missionaries themselves.

Admitting, however, that the case presented by the Baptists is

is correct, which seems more than probable, there seems no ground for further action. No American has been killed or injured, nor has any American property been destroyed. The interests involved are exclusively Chinese. Village wars in Kwangtung are not unusual, whether for causes of religion or trade or the hereditary hostility of neighboring clans. It is unnecessary to dwell upon the inadvisability of American authorities taking any part therein.

The intervention of the French authorities in this case is strongly commented on by Mr. McKibben. It is, however, natural that the

French

French minister should give
the same credence to the solemn
assurances of French priests and
bishops which this Legation
gives to the assurances of
American missionaries. Whether
his belief in the French cause
is justified or not, his attitude
is a serious reason for going
no further in this case. While he
is willing to drop the matter
where it is, further demands on
the part of this Legation will
be met by further demands from
him and the native Christians
will be involved in greater
difficulties while the cause of
religion itself will suffer from
the contest.

There

There is one other point that deserves consideration. If a commission were appointed, and if it found in favor of the Protestants, and if all French opposition to the finding were withdrawn, it is difficult to see what demands could be based thereon which are not already accorded. A Protestant chapel was attacked by Catholics. The Catholic leader, Chen A-ming, was captured, delivered over to the authorities in chains and remains now in prison. One other Catholic was killed and one crippled for life. The Protestants' wounds were slight in comparison. For this capture, killing and

wounding

wounding the Protestant converts are exonerated; they are at liberty and no action will be taken against them before the law. The right of self-defense could scarcely be more fully recognized and the punishment of the aggressors seems adequate. The pecuniary losses are insignificant and proclamations guaranteeing the peace of the future are promised.

The punishment of the Chinese officials for "dereliction of obvious duty", demanded by Mr. McKibben on page 8, is the only remaining demand. Aside, however, from the fact that the Baptist converts seem to have been adequate to their own defence, the officials' conduct

conduct does not appear to have been grossly derelict. Soldiers were sent to the locality, with no great promptness perhaps, and while their efforts were wanting in vigor they showed a willingness to protect. In any event no charge of official complicity in the assaults is made by the Baptists.

While not wishing to belittle the difficulties in which the American missionaries in Kwangtung find themselves nor the gravity of the injuries they complain of, I have not been able to encourage them to hope that a commission will be appointed.

Awaiting your instructions

I

in the premises.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d' Affaires ad interim.

Enclosures:

1. Mr. Denby to Mr. McKibben,

July 1st 1896.

2. Mr. McKibben to Mr. Denby

July 1st 1896.

3. Mr. McKibben to the Secretary

of State, July 1st 1896.

4. History of the Khokhoi case.

Mis.-No. 50/1896.

Enclosure 1 in No. 2561.

U.S. Legation,
Peking, July 1st, 1896.

Rev. Wm. K. McGibbon,
Peking.

Dear Sir:

Pending the reference of the Kho-Khoi case to Washington, for the decision of the Honorable Secretary of State on your petition for the appointment of an investigating commission and on your other demands, I regard the presentation to the Chinese Government of the four following demands as proper and practicable and at the earliest opportunity I shall present them and advise you of the Yamên's reply.

1st That no action be taken against the adherents of the American Mission station pending a reference of the case to Washington and the receipt of a reply from the Secretary of State.

2nd That order shall be maintained

in

in the locality.

3°. That for the purpose of maintaining order the Viceroy issue a proclamation condemning the recent lawless outbreak and commanding the preservation of peace.

4°. That the Chinese authorities inquire into the previous bad character of the assailants of the American chapel and hold them responsible for their violations of law.

I am, Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosure 2 in No 2561.

Peking, July 1st, 1896.

My dear Mr. Denby:

On the basis of the memo which you have shown to me as embodying what you consider practicable at the present time, I am willing to have the Kho-Khoi case closed up, until such time as the Government at Washington shall examine the case through a Special Commission and determine what further measures are required by justice. Knowing full well what difficulties beset the Chinese Government at the present time, and unwilling to do anything to add to their embarrassment, but desiring rather to strengthen the hands of the Government to whatever extent is in my power, I refrain from urging claims for compensation or for the punishment of those engaged in attacking our chapel and people. And I will trust that the Central Government, whose desire to maintain peace and order is everywhere known and recognized, will issue stringent instructions to the Authorities of Kwangtung Province such as will prevent the recurrence of events like those we have been compelled to bring to their attention. I hope in particular that the proclamation to be issued may be unequivocal in its condemnation of the lawless and turbulent company who, whatever be their real or alleged religious affiliations, have as is notoriously known, inaugrated rebellion in Chao Yang. I trust also that the Chinese Authorities may have unembarrassed freedom in dealing with their subjects for such crimes as insult to authority and other offenses against the public good order, omitting for the present the attack on our station, as is provided for in the accompanying memo. There is no telling to what extent that company of six hundred men might have gone by this time had they

Enclosure No. 1 in No. 1559.

Peking, July 1st, 1900.

My dear Mr. Denby:

On the basis of the memo which you have shown to me as embodying what you consider practicable at the present time, I am willing to have the Kho-Khoi case closed up, until such time as the Government at Washington shall examine the case through a Special Commission and determine what further measures are required by justice. Knowing full well what difficulties beset the Chinese Government at the present time, and unwilling to do anything to add to their embarrassment, but desiring rather to strengthen the hands of the Government to whatever extent is in my power, I refrain from urging claims for compensation or for the punishment of those engaged in attacking our chapel and people. And I will trust that the Central Government, whose desire to maintain peace and order is everywhere known and recognized, will issue stringent instructions to the Authorities of Kwangtung Province such as will prevent the recurrence of events like those we have been compelled to bring to their attention. I hope in particular that the proclamation to be issued may be unequivocal in its condemnation of the lawless and turbulent company who, whatever be their real or alleged religious affiliations, have as is notoriously known, inaugurated rebellion in Chao Yang. I trust also that the Chinese Authorities may have unembarrassed freedom in dealing with their subjects for such crimes as insult to authority and other offenses against the public good order, omitting for the present the attack on our station, as is provided for in the accompanying memo. There is no telling to what extent that company of six hundred men might have gone by this time had they

they not met with a defeat and the loss of their leader when they attacked the American Protestant Mission Station four months ago. At the imminent risk of their lives the loyal and lawabiding Chinese subjects belonging to our mission defended themselves against the outlaw Chan A Ming and his company in a fight which lasted a night and a day, and captured, held prisoner, and delivered over to the Authorities in chains, the man for whose seizure the Government had offered a large reward. The reward actually accorded for this loyal and heroic service was the prison cell, from which nothing was in sight but the execution ground and banishment to some strange country. We owe it to your interposition and to other Representatives of our Government acting in conjunction, that this dire prospect is thus far not realized. We will hope that our people at Kho-Khoi may be allowed to pursue their peaceable callings henceforth undisturbed. We offer on their behalf full assurance and security that they will be in the future, as they have been in the past, orderly and peaceable members of society, and not causing trouble to their neighbors.

Availing myself of your very courteous offer to forward to the State Department at Washington a communication in regard to these recent troubles, in connection with communications you are yourself forwarding, I enclose herewith a letter addressed to Hon. Richard Olney, Secretary for State. In forwarding, will you please retain a copy for the Legation.

I trust you will be able to give your earnest support to the request which it conveys.

Thanking you for the laborious and earnest efforts you have made in behalf of our endangered people at Kho-Khoi, and assuring you not only of my personal appreciation and gratitude, but of that of a hundred native Christians also, as well as of that of

they not met with a defeat and the loss of their leader when they attacked the American Protestant Mission Station four months ago. At the imminent risk of their lives the loyal and lawabiding Chinese subjects belonging to our mission defended themselves against the outlaw Chan A Ming and his company in a fight which lasted a night and a day, and captured, held prisoner, and delivered over to the Authorities in chains, the man for whose seizure the Government had offered a large reward. The reward actually accorded for this loyal and heroic service was the prison cell, from which nothing was in sight but the execution ground and banishment to some strange country. We owe it to your interposition and to other Representatives of our Government acting in conjunction, that this dire prospect is thus far not realized. We will hope that our people at Kho-Khoi may be allowed to pursue their peaceable callings henceforth undisturbed. We offer on their behalf full assurance and security that they will be in the future, as they have been in the past, orderly and peaceable members of society, and not causing trouble to their neighbors.

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of the Swatow missionaries,

I am, dear Mr. Denby,

Very truly Yours,

Wm K. McKibbin

for Am. Baptist Mission, Swatow

To Charles Denby Jr.

Secretary of Legation and

Charge d' Affaires.

of the Swatow missionaries.

I am, dear Mr. Denby,

Very truly Yours,

To Charles Denby Jr.

Secretary of Legation and

Charge d' Affaires.

Enclosure 3 in No 2561.

Peking, July 1st, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

Through the courtesy of the Hon. Charles Denby, Jr., Secretary of Legation and Chargé d' Affaires at Peking, I have this opportunity of addressing you in connection with the full account Mr. Denby is forwarding in regard to the trouble at the village of Kho-Khoi, near Swatow, in Kwangtung Province.

The Province just named is at a great distance from the capital and on that and other accounts has from time immemorial been the seat of lawlessness and of constantly recurring turbulent outbreak. Numberless instances might be given, did space allow. Some thirty years ago the noted General Fong was sent to pacificate that part of the province about Swatow, and accomplished his mission only by cutting off some three thousand heads. General Fong took up his permanent residence there, and made it possible, as before it was not, for their own people to travel about in safety on lawful and peaceable business. In recent years the old spirit of lawlessness has begun to reappear. Bloody wars between villages are not infrequent. Gangs of men also band together under local leaders to plunder the defenseless, levy black mail, and terrorize the locality. The magistrates are usually on the alert against these dangerous conspiracies, and have great need of being alert; because they are rebellion.

Some two years ago there was such a gang as this in the vicinity of Kho-Khoi, under the lead of the man Chan A Ming.

Enclosure 3 in No 2551.

Peking, July 1st, 1898.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

Through the courtesy of the Hon. Charles Denby, Jr., Secretary of Legation and Charge d' Affaires at Peking, I have this opportunity of addressing you in connection with the full account Mr. Denby is forwarding in regard to the trouble at the village of Kho-Khoi, near Swatow, in Kwangtung Province.

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Some two years ago there was such a gang as this in the vicinity of Kho-Khoi, under the lead of the man Chan A Ming.

Chan A Ming. A reward was finally offered for his arrest. He became a fugitive from justice. About November, 1895, he reappeared at Kho-Khoi and proceeded to reorganize and enlarge his old band. He defied the law, and proclaimed that now no magistrate would dare arrest him, and that all who would pay him a fee of one dollar would secure immunity from debts and taxes and from the power of the magistrates. He soon had six hundred followers or more. A wide-spread feeling of alarm resulted and law-abiding people looked for trouble. All this cannot have been unknown to the Chinese Authorities, for the chief seat of government of the region is at Chao Yang City, only twenty miles away, and there are subordinate officials much nearer. Yet in three months time nothing was done to arrest or to suppress the outlaw. For this conspicuous failure to discharge a very plain duty the Chinese officials are responsible, doubly so from the point of view of Chinese law and usage.

On February 26, soon after the opening of the Chinese New Year, A Ming and his company proceeded to threaten a neighboring village magistrate. On March 1st he did actually raid his office at the head of some fifty men, and carried his son off prisoner. To this act of open rebellion no attention was given by the Chao Yang Magistrate, and Chan A Ming was emboldened to threaten our mission station. Mr. I. Streich, U. S. Consular Agent at Swatow, on being informed of the state of affairs, sent urgent despatches by telegraph and by special messenger to the magistrates, urging instant measures for the protection of the chapel and station. Had the magistrates taken prompt and adequate measures the trouble that followed would easily have been averted. But here again they ignored the dangerous condition of affairs and dallied in the

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the discharge of their duty, thus again failing to preserve order and incurring further responsibility for the trouble which ensued.

On the evening of March6 Chan A Ming and two of his lieutenants, Li A Au and Li Chin Feng, began their outbreak by coming and disturbing an assemblage gathered for religious worship in our chapel, abusing and threatening the assembly and delivering their ultimatum in these words: "There is no room for the Protestant religion here; leave the Protestants and submit to me, and all will be well; but if not, we will destroy you and your chapel." At midnight of the same night A Ming led an assault on the chapel in a manner and with results set forth elsewhere in detail. On the same night A Ming's men seized, beat and bound one of our Church members named Li Ping Ti, who lived near his quarters.

On the next day A Ming's company made a further attack on our people. Firearms were freely used, as they had been the night before, including a small cannon. Some military subordinates had arrived and were asked by our people to prevent the attack. The military men only waved the card of their Superior and then hurried off, leaving the attack to follow.

On March 10 they commenced pillaging the fields of our people and kept it up for many days in succession. The Chao Yang Magistrate was present and saw the pillaging going on, but did nothing to stop it, though repeatedly appealed to by our people and by the writer.

On March 15 A Ming's company drove the Magistrate ignominiously out of town.

On May 10 one of our people, after having been detained in custody for six weeks, was thrown into prison, and shortly afterwards another was imprisoned. These men are threatened, the one

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the one with banishment, and the other with death, on the charge of having wounded two of Ming's men, and so causing the death of one of them two months afterward. It would be a mistake to suppose that this hideous reversal of justice, putting men to death for defending their own lives against wanton and unprovoked attack, is demanded by Chinese law. While that law requires strict investigation of all cases of homocide, and in general affixes severe penalties to the taking of human life, and although it often lends itself to injustice toward those charged with homocide, yet the right of self defense is fully recognized, especially against robbers and intending murderers or kidnappers. A despatch from the Prefect of the region to Consul Streich says, "If they came to the Protestant chapel to make disturbance the (assailants) have no ground of reason; the matter cannot be discussed as an ordinary fight, but as a case of attack on a chapel and a pillaging of property: all who received wounds were robbers resisting their captors." The release of our two men on bail has been with great difficulty obtained; but the punishment threatened still hangs over them undiminished.

The question may well be asked, why should any difficulty be anticipated in the treatment of a case so simple? And, if difficulty is encountered, whence does it arise?

In answer I am compelled to say that the utmost difficulty has been encountered, baffling the exertions of the U. S. Consular Agent at Swatow, the Consul at Canton, and even the officers of the Legation; all of whom have given us their efforts unstintedly.

To the second question, Whence does the difficulty arise? The answer is; In the first place, our presentation of the case is met by the brazen denial of every essential fact, in particular as below noted.

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1. A Ming's record of robbery and outlawry is denied.

2. The inducements by which his six hundred or more adherents were recruited, are denied.

3. The attack on the village magistrate is denied.

4. The attack on our chapel and people is denied.utterly, both the night attack and that of the following day.

5. The seizure of our church member, Li Ping Ti, is denied.

6. The wounding of one of our people whose eye was shot out, is denied.

7. The pillaging of our people's fields is denied.

8. The driving out of the mmagistrate was denied to his face.

9. The preparations for subsequent attack by means of the fighting platform and the house top barricades, is denied; it being asserted that these were necessary for protection against our little company at Kho-Khoi, mustering not above thirty men all told, who were alleged to be planning a desperate onslaught on <u>them.</u>

The truth of all these points does not rest on native evidence alone, but is affirmed in almost every particular by the records and the official reports of the Chinese magistrates themselves, and in many particulars by competent American testimony also, which is freely offered for the closest scrutiny.

Our people, furthermore, are represented as being a desperate and lawless lot, but endowed with preternatural cunning and duplicity. It is asserted that having deliberately plotted to abduct A Ming from the place where he slept our people appealed beforehand to the missionaries, deceived them into believing that A Ming was about to make an attack, and got them to apply through the Consul for soldiers and officers to be on hand in the village

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village at the time; so that in some way not very clearly stated, they might have the aid of the officers of the law in carrying out their alleged scheme of kidnapping, which ranks among the greatest of crimes in China.

It is asserted in the face of A Ming's well known character and record, that he would not have dared to commit an assault on a chapel; but that our little company, with a daring unparalleled, assaulted the place where he was sleeping, and after a desperate fight with fire-arms in which several persons were wounded, carried off the robber-chief from among his hundreds of armed followers.

It is asserted that the small number of our people, twelve or more, who were at the chapel when it was attacked, could not have resisted the assault of the large force who assailed them, and could not have captured the very leader himself. But it is forgotten that our people fought with all the advantages of position and with the courage of desperation, knowing that if they lost the fight torture and perhaps death awaited them, that their houses and possessions would be looted and their families be driven out to beggary, as had actually happened once before in the near neighborhood. A Ming was the man who was leading the attack, and was therefore the man more than all the rest who was exposed to the blows of the aroused and desperate defenders, and it was but a natural sequence that he should get struck and be seized.

Having thus mentioned the various claims urged openly in favor of Chan A Ming and his gang, the real reason for the astounding and almost unprecedented difficulty encountered in the effort to secure a settlement of a case which would appear to be

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be the very simplest possible remains to be spoken of. The real reason is that Chan A Ming and his followers are claimed as members of the French Roman Catholic Mission. When A Ming was outlawed and fled, he joined the Roman Catholics. When he reappeared at Kho-Khoi he announced that the priests were back of him and the French Government back of the priests. We are not responsible for the religious aspect of the case if the gang who came to destroy us are found to be provided with certificates of church membership.

With the religious views of A Ming and his adherents we have nothing whatever to do, any more than if they were all Buddhists or Tauists or Confucianists. But unfortunately, when it is reported that they are Catholics the Minister of France comes forward and affirms that they are under his protection. When I begged the Magistrate to stop the pillaging of our people's fields, his reply was that he could do nothing, because A Ming and his company were now Catholics and under protection of the French Consuls and Minister. When, all other resources failing, I made the journey to Peking to lay the facts personally before the U. S. Legation, I am met by the fact that Chan A Ming and his band are fully owned by the French Minister; and that any demand for justice will be the signal for setting in motion the machinery of the Chinese Criminal Administration against our people with the certain result of executing or banishing such of them as may be alleged to have inflicted wounds on their assailants.

This punishment of our people, secured the destruction of their homes and their dispersion would soon follow.

These things being so, I am compelled to beg our Legation not to make any demand upon the Chinese Government for punishment

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This punishment of our people, the destruction of their homes and their dispersion would soon follow.

These things being so, I am compelled to beg our Legation not to make any demand upon the Chinese Government for punishment

punishment or reparation at this time. To do so would be to sign the death warrant of our people.

Having no recourse in China, I am constrained to appeal to our Government at home as our only earthly recourse, on behalf not only of the immeasurable interests of our own work, but also for the sake of all other American missions in China. Our case is against the Chinese Government. It is my respectful petition that the State Department appoint a Special Commission, after the manner of the Commission lately sent to Cheng-Tu, to whom shall be committed the duty of investigating our case; examining the reasons that may be offered by the Chinese Authorities for their neglect to preserve order and their failure to stop pillaging; to examine the charges made by the Chinese Officials against our Mission of having been party to the scheme by which, according to the allegation, our people secured the presence of soldiers and officers at Kho-Khoi for the purpose of supporting them in their alleged plan of kidnapping Chan A Ming; and in general, to ascertain and authenticate to the Home Government the facts in the case.

It is further petitioned that when it is ascertained that the facts are fully in accord with our representations that then the reprimand and further adequate punishment be secured of such Chinese Officials as shall have been shown to be responsible for these occurrences by reason of dereliction or neglect of obvious duty, together with the due punishment of those who were the leaders in the assault upon our mission station, and such reparation for injuries and losses sustained and expense incurred as the Commission may adjudge right and equitable; and such a recognition of our rights as American citizens engaged in a lawful calling as will give assurance that respect will be accorded to those

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these rights by the Chinese Authorities in the future.

The Hon. Judson Harmon, Attorney General of the U. S., will allow me to refer personally to him. I refer also to Rev. Saml. W. Duncan, D.D., Secretary of the American Baptist Missionary Union, Boston.

With every confidence that our Government will support us in this emergency,

I have the honor to be,

Sir,

Your obedient servant,

Wm K. McKibbin

Signing for himself and on behalf of the

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Enclosure 4 in No 2561.

The Village of Kho-khoi.

About ten miles southwest from Swatow is the large District City of Chao-yang, and some twenty miles beyond that in the same direction, is the village of Kho-khoi with a population of about 1,500. In the same region are a number of other villages, of which some are market towns of much larger size, and a few quite close by.

The Baptist Chapel.

Some eighteen years ago the American Baptist Mission opened a station here. It has greatly prospered, and there is at this time a church of about seventy members of whom some forty live in the village of Kho-khoi itself, the rest being scattered among the surrounding villages. Two years ago a new chapel was erected at a cost of $1,000. They support their own pastor and also a school-teacher for their children; they have paid their taxes, and have been quiet law-abiding people bearing a good name among their neighbors.

A Man called Ti Ngiap

Some years ago there lived in the village a man named Ti Ngiap. He was a Roman Catholic but this did not prevent kindly feelings on the part of our people toward him. The good feeling was mutual, and he came and went as a friend among them. Owing to business reverses he sold his few possessions and moved away to a place called Peh-ne where a number of people of his own persuasion lived. After a while he decided to return to kho-khoi. But he had no place to stop. He came to our members, and they allowed him to lodge for a time in our chapel. But as that was not a fit place for continuous lodging, one of our members offered him shelter in his own house. This he gladly accepted. After a while he found a small house that he could get, but he had no money to pay for it. The member above spoken of advanced the money and took security, and that paper he still holds. It is that very house which in about two weeks later was proclaimed as a Roman Catholic chapel with a designation to that effect over the door. Of itself the history of Ti Ngiap would be of no consequence, but it is an essential introduction to the history of another man, who is the cause of all the trouble experienced in the Kho-khoi village and some of the adjacent villages during the last two months.

The Fugitive from Justice Tan A Meng.

This is the man referred to. His own village is Au-khe about a li (1/3 mile) distant from Kho-khoi. A year and a half ago he had some sort of embroilment with his own relatives. A fight is said to have taken place in which he inflicted some desperate wounds. He then gathered a lot of beggars and low fellows about him and soon made himself felt as a power and a terror in the community. Things went on from bad to worse till the magistrate was compelled to offer a reward for his arrest. He then fled. For months it was known only to his confederates what had

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had become of him. Having failed to get him, the magistrate seized his son to be held in his place. The son was taken to Chao-yang and put in prison where he has since remained and where he now is at this date, April 15, 1896.

Tan A Meng reappears in a New Role.

After a long disappearance, and after the tumult about him had subsided, Tan A Meng again turns up in the old neighborhood. But he did not stop in his own village. He had a sort of head-quarters at the house of the man Ti Ngiap above mentioned. He was known to be coming and going, dodging about from place to place, staying not more than two or three nights in succession at any one place. The striking thing about him now was, the ostentation with which he announced that he had become a Roman Catholic; that he was now under the protection of the French priests; that he had a commission to help look after Roman Catholic interests. This last no one would have credited were it not that he was found to be consorting with a native priest Tan Keng Siu ,who was an agent of St. Joseph's Mission at Swatow. This priest and Tan A Meng were known to have met at the house Ti Ngiap in Kho-khoi. This fact gave a coloring of truth to the story that he was in Roman Catholic employ. Outsiders could not tell where the truth lay, but it was well known that Tan A Meng now claimed to be safe from arrest by reason of his new relationships.

Tan A Meng begins to enroll adherents.

The shyness Tan A Meng had shown for a little at first, after his return, soon disappeared. Great confidence and assurance took its place. He was soon found to be enrolling new followers while he rallied about him quite a number of old ones of the reckless class he had before his flight. He is reported to have made great promises and pledges to those who would give him their name and follow his leadership. Whether he himself said as much or not, certain it is that in the community it began to be reported that A Meng could prevent the compulsory payment of taxes or debts. He was known to be a daring man, and people began to believe him when he boasted that he was not afraid of any mandarin and that none of them would dare to arrest him. His influence increased amazingly. It was said that he had several hundreds of names on his book, also that a fee of $2. to $4. was exacted from applicants who had some advantage to be derived from membership in what had already become a powerful combination with Tan A Meng as its head.

Organized and ready for Business.

We are now brought down to the latter end of February 1896. During the month A Meng's activity had been great. That he was organized and ready for business will now be shown. Certain persons, among whom were Li A O Li Sam Hi Li Chin Hong Li A Thah , will all now be found within a week's time figuring in some high-handed operations under A Meng's direction. Their mutual connection is beyond dispute, and is established by documentary evidence of Chinese officials. Terrorrism--and lawlessness--and extortion--and violence--and kidnapping--and midnight assault--and open day attack with murderous weapons and murderous intent, were all within the same short week of seven consecutive days to be exercised by these men,

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Organized and ready for Business.

We are now brought down to the latter end of February 1890. During the month A Meng's activity had been great. That he was organized and ready for business will now be shown. Certain persons, among whom were Li A O Li Sam Hi Li Chin Hong Li A Tiah , will all now be found within a week's time figuring in some high-handed operations under A Meng's direction. Their mutual connection is beyond dispute, and is established by documentary evidence of Chinese officials. Terrorism--and lawlessness--and extortion--and violence--and kidnapping--and midnight assault--and open day attack with murderous weapons and murderous intent, were all within the same short week of seven consecutive days to be exercised by these men.

men, toward a helpless and unoffending agriculturist--toward a village magistrate who had displeased them--toward an American Baptist chapel which they charged with being heretical, and toward the worshippers in that chapel because they dared to defend themselves against unprovoked assault. These things supported by documentary evidence, by official records and by other unimpeachable testimony, show how far they had advanced and how well they were being handled, how fully they were organized, how reckless they were and what terrorism was to be expected toward any who should dare to cross their path. It is not to be wondered at, that as A Meng and his lieutenants showed their hands that eventful week, the people in the villages round about began to stand aghast, to tremble before the old neighborhood desperadoes who now claimed a foreign protection, and was the more dangerous on that account, nor is it strange that rowdies who had their own purposes to gain, should now flock to his standard, and ask to be enrolled by hundreds, or even that some more respectable people overawed by his power, should have given in an adhesion to a man who could capture and punish a magistrate at will.

The First Victim of Tan A Meng's Gang.

His name is Li A Iam . He is an agriculturist, and it so happens that he is a member of the Baptist church. On the 16th day of the 1st. moon (Feb. 28, 1896) he was leading his buffalo along the usual path, when the animal turned his head and snatched a leaf of sugar-cane. A boy who saw it ran and told Li Chin Hong, the owner of the cane, and one of A Meng's newly enrolled adherents. The man at once changed the form of the charge and declared that Li A Iam himself was detected breaking off and eating the cane <u>stalks</u>. The custom in that region is to have a sort of field police, persons appointed to prevent pilfering. The charge against A Iam was laid before them. But it was found that A Iam had not the teeth with which to chew the cane, so the charge was reduced back to a complaint against the buffalo, as given above. The field police declared that no real harm had been done, and that if a man were to be held liable for such occasional snatches of a passing animal, no one could keep buffaloes at all. So the case was dismissed.

But now the owner of the cane patch Li Chin Hong and Li A O one of A Meng's chief lieutenants, said if the field police would not take up the matter, they would do so on their own account, and Ti Ngiap already named came in as a sort of umpire. Various demands were made of A Iam for damages, first $200. then $100. and finally after much remonstrance and the intervention of other parties it was brought down to $12. besides the expense of a puppet-show by way of humiliation. Unjust and extortionate as even this modified demand was, especially after the field police had exculpated him, A Iam was advised by his friends to submit to it and avoid further trouble with so powerful and unscrupulous an organization. This was done at once, and A Iam was thankful to have it over with. The money was paid over on the 19th. of the 1st. moon (March 2nd.) The puppet-show was appointed for March 3rd.

A Meng coerces a Mandarin.

While his subordinates were finishing the above case, A Meng himself was closing in upon higher game. The case came to a head

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The First Victim of Tan A Meng's Gang.

His name is Li A Iam . He is an agriculturist, and it so happens that he is a member of the Baptist church. On the 10th day of the 1st. moon (Feb. 28, 1890) he was leading his buffalo along the usual path, when the animal turned his head and snatched a leaf of sugar-cane. A boy who saw it ran and told Li Chin Hong, the owner of the cane, and one of A Meng's newly enrolled adherents. The man at once changed the form of the charge and declared that Li A Iam himself was detected breaking off and eating the cane stalks. The custom in that region is to have a sort of field police, persons appointed to prevent pilfering. The charge against A Iam was laid before them. But it was found that A Iam had not the teeth with which to chew the cane, so the charge was reduced back to a complaint against the buffalo, as given above. The field police declared that no real harm had been done, and that if a man were to be held liable for such occasional snatches of a passing animal, no one could keep buffaloes at all. So the case was dismissed.

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head on the 18th. of the 1st. moon, (Sunday March 1st.) just one day after the other. The local magistrate of the Market-town of Niau A Hi had in the management of a case which concerned one of A Meng's new recruits, given offense to A Meng himself. Accordingly the latter sent in an ultimatum involving the payment of a sum of money, and a thorough humiliation in the shape of a public penalty of 2,000 fire-crackers. He also fixed an immediate time limit, with an increase of the fine if the limit were exceeded. As the magistrate did not respond a force of some sixty or seventy men with A Meng in command raided his office. The magistrate made good his escape, by running from his office, but his son was seized and held as a hostage. There being apparently no alternative the magistrate had to engage the services of some mediators and negotiate with A Meng terms of reconciliation. These included the payment of money and the penalty of fire-crackers, as said above, and the magistrate was compelled to accede to them.

These facts are fully set forth in two official statements, one by the humiliated magistrate himself, the Ti-pao of Niau A Hi also known as O A Market, and the other by the Ti-pao of Au-khe A Meng's own village near by, who was cognizant of the whole affair. These statements are found in the records of the Chao-yang Magistrate of an examination into the history of A Meng held at Kho-khoi on the 5th. day of the 2nd. moon (March 18.)

A Meng threatens the Baptist Christians.

The Monday, Tuesday, Wednesday, Thursday and Friday that followed the memorable Sunday that witnessed the humiliation of the village magistrate were to A Meng and his lieutenants days of great exultation. He had achieved a wonderful triumph. He was now the greatest man in all that region. Good men were apprehensive but not one dared speak out. Other names were added to A Meng's register, how many is not definitely known, but it was said that he could command the help of a thousand men. He was called "King Meng". (Meng Uang) Every one talked of A Meng and his sudden rise to power. Every one was discussing the things he was then doing, and conjecturing the things he might be doing. Tuesday was the day fixed for A Iam's puppet show humiliation in one village and also for the fire-cracker humiliation of the magistrate in another village. It soon became known what was to be the next object of their attentions. A Meng had said in public that he had finished up one case, referring to the magistrate, and now he must take up another. That there might be no mistake about his intentions he proclaimed, "U Thien Chu ka, mai Ia-so ka" "Where there is Lord of Heaven teaching there can be no Jesus teaching". This could have reference to none other than our Baptist work in the same village where A Meng had just opened, as was said by themselves, a Roman Catholic temple. Neighbors friendly to our people hastened to give them warning of a coming storm, which would certainly soon be down on them, as A Meng was reckless and had matured a plot of some kind.

The Baptist Christians send out for protection.

They were thoroughly frightened. But what could they do? Their own magistrate had just been beaten in the contest. If he could not protect himself how could he protect them? And besides A Meng was now boasting of exploits at Pho-leng and Mi-o.

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Mi-o. Whether true or not people did not know, but they did not hear them contradicted. No small local magistrate could stand against A Meng and such a band as he was organizing. The District Magistrate was very slow of movement. Before he could be induced to act mischief might befall them, and the threat made about pulling down the chapel might be carried out. They decided to hurry off a messenger to Swatow to beg for help. The matter was laid before Mr. Streich, the U.S. Consular Agent. He acted without delay. He sent a dispatch to the Chao-yang District Magistrate, informing him of the impending disturbance, and asking that he immediately send from his yamen such force and authority as would be sufficient to maintain order, and protect persons and property. In addition to this Mr. Streich telegraphed to the Taotai at Chao-chau-fu, asking him to hasten the action of his subordinate. The dispatch was sent to the Chao-yang Magistrate on Thursday and reached him in ample time for him to have sent a preventive force to maintain order that same day, but nothing was done, nor was anything done the next day Friday. Had the Magistrate been prompt, and had somebody been sent, the attack on the chapel Friday night, with all the subsequent troubles might have been avoided.

Attack on the Baptist Chapel and Capture of A Meng.

This brings us to the night of Friday March, 6 (23rd. of 1st. moon). all in the same week's time with the extortion practiced on A Iam, and the humiliation of the village magistrate. The events of the night are separated into two parts.

In the early evening there came to the Baptist Chapel three persons, Tan A Meng Li A O and Li Chin Hong . It was the evening for the regular meeting of the church, and consequently there were quite a number of our people present, between ten and twenty. Coming in A Meng and his comrades broke out into much violent and abusive speech. They reiterated the statement already made so public, that where there was a Roman Catholic chapel there could be no Jesus chapel. The members present were roundly abused for their religious views, which were declared to be wholly wrong and unendurable. At length they were fiercely asked by A Meng whether they intended to submit or not, and were told that if they did not, they would soon find out what would happen. The members expostulated mildly, for they were afraid to provoke the wrath of this arrogant bully and his gang. The three then went away, but with dire threats of something that was coming. Our people concluded that they would be returning soon, and so they determined to prepare for the defence of themselves and their property as best they could. The chapel stands just outside of the village, while the members have their homes inside the village enclosure. They expected that an attack would be made, but whether on the chapel or on their homes they could not tell. So they arranged to be on the watch, part of them at the chapel and part in their own quarter of the village. If the attack should come on the chapel, those who could be spared to come out to their aid, if on the homes inside, those who could be spared from the chapel were to go to their aid. And so the night began to wear anxiously away.

At midnight, fully as they thought, there were heard the voices and noises of a company of men at the main door of the Baptist chapel. They began punching away at the tiles of the eaves and banging away at the door and demanding admittance. The people within sounded the preconcerted alarm seized their weapons

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Attack on the Baptist Chapel and Capture of A Meng.

This brings us to the night of Friday March, 6 (28th. of 1st. moon). all in the same week's time with the extortion practiced on A Iam, and the humiliation of the village magistrate. The events of the night are separated into two parts.

In the early evening there came to the Baptist Chapel three persons, Tan A Meng Li A O and Li Chin Hong

. It was the evening for the regular meeting of the church, and consequently there were quite a number of our people present, between ten and twenty. Coming in A Meng and his companions broke out into much violent and abusive speech. They reiterated the statement already made so public, that where there was a Roman Catholic chapel there could be no Jesus chapel. The members present were roundly abused for their religious views, which were declared to be wholly wrong and unendurable. At length they were fiercely asked by A Meng whether they intended to submit or not, and were told that if they did not, they would soon find out what would happen. The members expostulated mildly, for they were afraid to provoke the wrath of this arrogant bully and his gang. The three then went away, but with dire threats of something that was coming. Our people concluded that they would be returning soon, and so they determined to prepare for the defence of themselves and their property as best they could. The chapel stands just outside of the village, while the members have their homes inside the village enclosure. They expected that an attack would be made, but whether on the chapel or on their homes they could not tell. So they arranged to be on the watch, part of them at the chapel and part in their own quarter of the village. If the attack should come on the chapel, those who could be spared to come out to their aid, if on the homes inside, those who could be spared from the chapel were to go to their aid. And so the night began to wear anxiously away.

At midnight, fully as they thought, there were heard the voices and noises of a company of men at the main door of the Baptist chapel. They began punching away at the tiles of the eaves and banging away at the door and demanding admittance. The people within sounded the preconcerted alarm seized their weapons

weapons of defense and stood for their own protection. Tere was a struggle in the very doorway of the chapel, those outside seeking to force their way in, and those inside battering away at their assailants to keep them out. For a few minutes it was a hard fight. Many blows were given and taken in the dark, and some pistol shots were exchanged, and some wounds inflicted on both sides as afterwards appeared. At the height of the struggle in the doorway, one of the assailants in the very front, was struck a blow over the head which knocked him down and made a gash which was its own witness to the Magistrate three weeks afterwards. The man was stunned and so was captured as his comrades fell back, having met most probably a much more determined resistance than they had counted on. When the captured man was brought in, and a light brought, it was found to the surprise of all and their dismay as well, that it was none other than A Meng himself. What to do with him was now the question. Had it not been for fear of his vindictiveness and the further fear that he might disappear, and then his confederates come and demand his person, and if he were not produced accuse the people of having made way with him they would have been ready to let him go and be done with him. But they judged rightly too, that this would not be safe. The proper way was to refer him and the whole matter to the Magistrate. But could they themselves take him to the Yamen? No! For he would have been rescued out of their hands before they could get a mile away. They decided to hold him and send word to the Magistrate to come and take delivery. As the chapel outside the village was no place in which to stand a siege, they transferred him quickly as they could, and before day, to their part of the village which was close at hand, where they could guard him better until the officers could come and take charge of him.

Information at once sent to Officials.

As soon as it was known that the attack was begun on the chapel, a messenger from those in the village hurried off to the Yamen of the Hapsua Magistrate six miles distant to implore help. He reached there about three o'clock Saturday morning. He was refused admission, and was berated for disturbing them at such an unseemly hour. This was at the office of the civil magistrate. The military officer received him kindly, but declined to act without a warrant, though he gave the messenger his card, which he still has. The messenger then came on to the District City of Chao-yang, and lodged the same information at the Yamen of the District Magistrate, and made the same request for help. While he was here another messenger who had left later and come more quickly, by another route, arrived with information of the conclusion of the fight and the capture of A Meng, and the request to come and take him over was added to the former one. Then both messengers came on to Swatow with the same intelligence. The missionaries lost no time in laying the facts before the Consul, who in turn laid them before the authorities together with a request to take charge of A Meng, examine into the case and render judgment and take such other measures as might be necessary for the protection of persons and property.

Attempt of A Meng's Gang to effect a Rescue.

The struggle at the chapel had been in the dark, and it would seem that A Meng's gang did not miss him at once, or if they did, did not know what had become of him. When they found

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found that he had been captured their fury was great and steps were at once taken for his rescue. They rallied in large numbers and were ready for the attack on our people when a messenger from the military mandarin Hung Kui Tong appeared with Fong Kwei Tong that Mandarin's card, and exhorted them to desist. But A Meng's followers paid no attention to the messenger's exhortation, and began an attack and siege on the part of the village in which our people lived and in which A Meng was now held a prisoner The scene of the attack was a short narrow street, leading from an open space in the part of the village occupied by A Meng's adherents to another open space in the quarter where our people lived. It was the object of the assailants to force an entrance into this latter space, which being accomplished the prisoner would have been easily rescued, and our people would have been at their mercy. The assailants planted a small cannon in this street and fired it at short range at our people. A number of persons were struck by the shot with which it was loaded, but fortunately the powder used was poor and damp and no serious wounds resulted. The assailants also charged repeatedly with firearms and long spears. Our people stood to their ground in defense of life and home and succeeded in holding back their assailants. But it was only a question of time when they would be worn out and overpowered by superior and increasing numbers. In a few hours more the assailants would have overcome those opposed to them, and released A Meng, and then what slashing and maiming and killing would have followed, those may conjecture who know the savagery of such mobs as attack chapels and sack the dwellings of those they hate.

Arrival of the Authorities.

But shortly after noon (Saturday Mch.7.1st.moon, 24th.day) the yamen people began to arrive, the first to come being five men in chairs with various attendants from the District City. A Meng's followers were, for the time, so far awed by the coming of the Authorities as to desist from further attack.

On the evening of that same day A Meng's people met in a great feast in the ancestral temple, banding themselves together to resist the Authorities, to get A Meng out of durance, and to destroy his captors and divide their goods among themselves. Sixty or more were present. It is to be noted as a most significant fact that this feast of conspirators was originally planned for a date one or two days earlier than the attack on the chapel. It was postponed in the hopes of gaining the adhesion of certain others in the village. These however took the advice of family counselors at the District City, and kept out of the affair. It was believed that the money received as fines from both A Iam and the local village magistrate went to help pay for the feast, though of that no one outside could speak with certainty.

The next day a military officer put in an appearance with about 25 soldiers and the report that 100 more were on the way. The Hap-sua magistrate also came with some subordinates. A Meng's followers did not like this. They were expecting to have their own way with the Baptist Christians, and resented interference. When the soldiers after the custom usual in such cases went to find quarters at the ancestral temple, A Meng's gang refused them, and drove them off with hoots and yells. The soldiers then came and asked permission to stay in the Baptist chapel, which was cordially granted. It may here be said in advance that, when a day or two later, a hundred more soldiers arrived, they made a similar application to A Meng's followers and met a

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Arrival of the Authorities.

But shortly after noon (Saturday Moh.7.1st.moon, 25th.day) the Yamen people began to arrive, the first to come being five men in chairs with various attendants from the District City. A Meng's followers were, for the time, so far awed by the coming of the Authorities as to desist from further attack.

On the evening of that same day A Meng's people met in a great feast in the ancestral temple, banding themselves together to resist the Authorities, to get A Meng out of durance, and to destroy his captors and divide their goods among themselves. Sixty or more were present. It is to be noted as a most significant fact that this feast of conspirators was originally planned for a date one or two days earlier than the attack on the chapel. It was postponed in the hopes of gaining the adhesion of certain others in the village. These however took the advice of family counselors at the District City, and kept out of the affair. It was believed that the money received as fines from both A Lam and the local village magistrate went to help pay for the feast. though of that no one outside could speak with certainty.

The next day a military officer put in an appearance with about 25 soldiers and the report that 100 more were on the way. The Hap-sua magistrate also came with some subordinates. A Meng's followers did not like this. They were expecting to have their own way with the Baptist Christians, and resented interference. When the soldiers after the custom usual in such cases went to find quarters at the ancestral temple, A Meng's gang released them, and drove them off with hoots and yells. The soldiers then came and asked permission to stay in the Baptist chapel, which was cordially granted. It may here be said in advance that, when a day or two later, a hundred more soldiers arrived, they made a similar application to A Meng's followers and met a

a similar refusal, and so too when another fifty came on March 14. This shows the strength and assurance of A Meng's gang and the spirit that animated them.

In the meanwhile they sent for the Chinese priest Ch'in Chin Siu, a friend of A Meng, who appeared on the scene Monday Mch.9 (1st.moon 26th.) and began to manipulate affairs. It was immediately after his arrival that the systematic pillaging of the fields of our people began, of which more hereafter.

Our people now seeing the desperate spirit of A Meng's followers, and their continued aggressiveness, in spite of the arrival of the Authorities and fearing a renewal of the attack, proceeded, on Tuesday and Wednesday of this week, March 10 & 11, to barricade the street in which the attack had been made upon them, and also the other minor approaches to their quarter of the village.

Further Outrages by A Meng's Gang.

Though the presence of a hundred soldiers and the announcement that some two hundred more would soon be on their way, had a somewhat restraining influence on A Meng's followers, yet it did not suppress them nor disperse them nor break up their organization. They were open and violent in their threats of what they would do as soon as the soldiers were out of the way, they would not always be there. They also made dire threats in case A Meng should be delivered to the Authorities. In evidence that this was not mere idle talk, they began to erect a fighting tower overlooking the houses of our people. From this they could fire down into their court yards and kill them off as they chose. At the same time they began the systematic plundering of the fields already referred to, cutting and carrying off the sugar-cane digging up potatoes and carrying off other vegetables. This they did not at night only, but in broad daylight as well, and right under the eyes of the District Magistrate himself and several other officials when these had arrived on the scene. Mr. McKibben who reached Kho-khoi on the same day with the District Magistrate, March 12th. (29th.of 1st.moon) and six days after the capture of A Meng himself saw all this going on, and called the Magistrate to note the plundering of the fields and the rising of the fighting tower above the tops of the houses right before his eyes, in contempt of his orders and in disregard of his soldiers one hundred or more strong. The Magistrate replied that he knew it all but he was not yet strong enough to act, but when he was he would stop it. Meanwhile he could only tell them to keep account of the pillaging, and bring in a statement by and by. The leaders in the tower-building were certainly known to be, and the leaders in the pillaging were believed to be, Li A O Li Chin Hong Li Sam Hi and Li A Thah all of them lieutenants of A Meng's, and the first two named companions with him when he first came to the chapel on the evening of Friday March 6th. These men gave another ratification feast two days after the arrival of the District Magistrate, at which in defiance of him some thirty or more pledged themselves to stand by their leader A Meng, and get him out some way or other at all hazards.

In view of these facts, and feeling convinced that there could be no peace or security so long as this ruffianly spirit remained unchecked, the American missionaries felt compelled to make a still further call on the Authorities to apprehend and examine these leaders, whose names were now sent in, and to deal with them according to law and equity, and to afford such further protection to persons and property connected with the Baptist mission as the case required. The subsequent offenses of these men

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In the meanwhile they sent for the Chinese priest Ch'in Chin Sin, a friend of A Meng, who appeared on the scene Monday Mon.9 (1st.moon 20th.) and began to manipulate affairs. It was immediately after his arrival that the systematic pillaging of the fields of our people began, of which more hereafter.

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men were really but a part and an outcome of their original offence, the attack on the chapel, and therefore practically one and the same piece of criminality committed by the same criminals, in part.

The Whole Case a very Simple One.

It is easy to see what it was, and what it was not. It consisted of two parts in consecutive order.

1. A midnight attack was made by a band of ruffians on the American Baptist chapel at Kho-khoi. The leader of the attack Tan A Meng, who proved to be an old offender against law and order was captured in the act and held a prisoner. The American missionaries relying on treaty rights for themselves and theirs, applied to the Chinese Authorities through their Consul to take delivery of the culprit, and deal with his case, according to law and equity, and to furnish security for persons and property.

2. After the capture of Tan A Meng (Ch'in A Meng) the fields of those who attended the chapel that had been attacked, were raided and pillaged day after day. At the same time a fighting tower was erected by the confederates of A Meng for the purpose of outrage and murderous assault on the members of that same Baptist chapel and for the same purpose of revenge. Among those known to be concerned in these things were certain persons named, Li A O(Li A Au) Li Chin Hong (Li Chin Feng) Li Sam Hi (Li San Erh) and Li A Thah(Li A Tret). On getting abundant evidence of this the American missionaries asked that these confederates be apprehended and dealt with according to law, that restitution be made and such other measures be taken by the Authorities as might be necessary for the protection of persons and property.

This also makes plain what the case was not. It was not a case against A Meng as a Roman Catholic, but against A Meng as a ruffian and a robber, who attacked our chapel at midnight. It was not a case against the confederates of A Meng as Roman Catholics or as Confucianists or Buddhists or religionists of any sort, but against them as assailants and pillagers. In fact some of those confederates were not Roman Catholics at all, at the time the first outrages were committed, though it is most likely that a number of them have been hurried into that communion since.

And yet with a case so plain the whole procedure has lagged and justice has been trifled with. There were the complaints explicitly stated, there were the witnesses ready to be questioned and cross-questioned, there were the things still going on before the Magistrate's own eyes, there was the testimony of Mr. McKibben an eye-witness of much that was taking place, there was the midnight assailant already caught, there were his confederates within two minutes walk, there was a force of from one to two hundred soldiers at hand, there the two village magistrates bearing their testimony to the villanous reputation of A Meng in the past, and to his treasonable crime of only a few days before; and yet the District Magistrate did not take over A Meng till eighteen days after his capture, nor has he since made any attempt to arrest those engaged in pillaging right under his own eyes. Not but that for himself, he would have been willing to take action, for there was a reward out on the part of the authorities for the capture of A Meng, but a fear of somebody and a dread of some sort, paralyzed his nerve, and has made him stand irresolute and shrinking and shirking responsibility for now more than six weeks since he took this matter in hand. The cause of all this becomes now a matter for inquiry. Who and what is it that interferes in this

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this case with the administration of justice.

A Chinese Priest appears on the Scene.

This was the man Tan Keng Siu already mentioned, and evidently a consulting attorney for A Meng and his confederates. He had been hastily sent for and was eagerly expected, as is plain from the fact that on Monday March 9th. (26th.of 1st. moon) a company of some forty or fifty went to the next market-town of Niau A Hi to meet him and escort him to Kho-khoi. He came in a chair borne by three men and with great ostentation. A salute of three guns was fired on his first reception, and another on his arrival at Kho-khoi, and there were also thirteen stroke of the gong, the mark of a high official. When his chair was put down the followers of A Meng, or many of them, knelt down in the dirt of the street and paid him homage.

Shortly after his arrival at Kho-khoi the priest sent his card over to the magistrate who was quartered at the Baptist chapel (the local mandarin from Hap-sua village). This magistrate did not know the name on the card, but in view of the style of reception, and especially the thirteen strokes of the gong, he concluded that perhaps a Consul had arrived, and he hurried over to the priest's quarters. He was surprised at what he met. It was only a native priest, who at once demanded the release of A Meng. The magistrate replied that this was not in his power, and he declined to do it. He returned to his own quarters with ill-concealed disgust, and saying that the priest had not even the good manners to rise when he went in.

Having failed in his demand for the immediate release of A Meng, the Chinese priest hurried off to Swatow no doubt to forestall the action of the American missionaries at their consulate, by trying to discredit them in the eyes of their own Consul and representing their statements as but a concoction of lies. He took along with him the story gotten up by A Meng's confederates. It was to the effect that A Meng was forcibly abducted from their very midst in the early morning of March 7th. (24th. of 1st. moon) and that the motive for this was the desire to injure the Catholic and to take revenge on some of their number. It cannot be found that at first any details were given. These had not yet been decided on. But this robber version of the story such as it was, with the motive assigned, were accepted by the French priest, and by him in turn sent to the bishop at Canton, who would appear to have still further accepted it and adopted it as a correct statement of the facts in the case.

The Chinese priest was in Swatow on the 12th. of March, and back in Kho-khoi on the following day the 13th. By this time the Chao-yang Magistrate had arrived. With much ostentation and display and with enough of A Meng's gang and the rabble to fill up the Baptist chapel and the dooryard in front, the priest went to call on the Magistrate and again demanded the release of A Meng. From beginning to end his perpetual refrain was "Release A Meng! Release A Meng!" He had no difficulty in leaving the impression that he was representing some powerful foreign backing, as appeared from the Magistrate's own statement to Mr. McKibben afterwards. This gave emphasis to his demand "Release A Meng". If A Meng were released all would be well, but if not there would be trouble. He kept reiterating that A Meng was a Roman Catholic; that he had been baptized; that he belonged to them; that he was a good man and must be released. The Magistrate was angered at his insolent manner and his pretentious demands, and told him curtly that he

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could not have A Meng. At the same time it was evident that he was considerably disturbed by the suggestion of some higher power behind the Chinese priest, as came out plainly in subsequent talks of the Magistrate himself with Mr. McKibben.

The moral effect on A Meng's adherents of these two visits of the Chinese priest is interesting matter of study. It would have been appropriate for him, as professing to be a minister of a gospel of peace, to seek to move them to peaceable feelings and orderly conduct, but if he did make any attempt in that direction he most miserably failed. On the contrary instead of behaving themselves like sheep of the flock, they acted more than ever like ravening wolves. It is an unfortunate synchronism that on the day after his first arrival, these newly made converts began plundering the fields of their Baptist neighbors, which course they kept up for days, and that after his second visit they hurried up the completion of their fighting tower. Further they became still more defiant toward their own magistrates. We do not here say whether they had sufficient reason for it or not, we only state the fact, that they based their conduct on their confidence that they would be backed up by their priests, both native and foreign, both here and at Canton.

Evidences of this confidence are seen in their behavior toward the Magistrate, when on Sunday March 8th. (25th.of 1st. moon), he went to their part of the village to make his tour of inspection. They crowded around his chair clamoring loudly "Release A Meng! Release A Meng". And because he would not promise to do so,they jostled his chair, as if to upset it; they shook their fists at him; they called him abusive names; they tore the long gown off the back of one of his secretaries,and sent the whole retinue on the run out of the village. Mr. McKibben who was still in the village at the time saw the humiliated and discomfited company, as they hurried back to their quarters in the Baptist chapel.

Again only a few days later, to some orders he had issued to Li A O and others, the Magistrate received this reply; "Tan Keng Siu, (the Chinese priest) must decide. Even though we may be willing to listen to the Magistrate, we fear that Tan Keng Siu may not be willing".

Their audacity seems incomprehensible, but it must be remembered that aside from their suddenly swelled numbers which gave them confidence, they had previously been well indoctrinated by A Meng and Ti Ngiap into the belief that the support of the priest and of ecclesiastics of higher rank, would be given in case of an emergency, and therefore they need stand in fear of no mandarin. That a sentiment of this kind had been diffused throughout the community is beyond question, and can easily be verified by a careful and impartial investigation. Again we say we are not here asserting that they had sufficient ground for their confidence, we are simply stating the fact that such a feeling of confidence did exist, and was a potent factor in the case.

A French Priest interposes to help A Meng.

The Chinese priest Tan Keng Siu sent his version of events to his superior the French priest Pere Serdet, who seems to have adopted it as his own. He lost no time in coming forward to claim A Meng as a member of his own flock, and to throw over him the shield of priestly protection, and to call for his ~~for his~~ release. His initial step was to address to various officials, the American Consular Agent ameng them, letters, in which he took the side of A Meng in full, to the disparagement of all who complained

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complained against him. He asked the American Consular Agent, who was sending in a despatch in behalf of the American missionaries, to allow him to avail himself of the opportunity of getting in to the Magistrate along with it, a letter of his own, thinking it may be that coming in this way it might appear to the Magistrate to be a sort of semi-official offset to the despatch which it accompanied. What this letter of the priest's contained we can only infer from the Magistrate's reply a copy of which has been furnished us from the yamen records. But it is quite certain that the release of A Meng was represented as most essential, and that without any of the prerequisites of a judicial inquiry, and with only the guarantees of the priest for the future good conduct of this notorious law-breaker.

Interview of the American Missionaries with the French Priest.

At the request of the French priest Pere Serdet conveyed through the American Consular Agent Mr. Ashmore met the former at the American Consular Agency, on Monday March 16th. In an interview of about an hour's duration, Pere Serdet admitted A Meng's previous bad record, but claimed that he had reformed and joined the church, and was now a good man, and these charges that had been made against him could not be true. He stoutly maintained that the story of A Meng's assault on the Baptist Chapel and his capture in that assault as given by our people was untrue, and that on the contrary he was captured on the Roman Catholic premises. He claimed that the trouble arose simply from a dispute about doctrines, and again that it originated in the desire of A Iam for revenge on account of an unjust penalty recently imposed on him, as already related, which he (the priest) admitted to have been unduly severe. He said that there was but one Roman Catholic church member at Kho-khoi, though there were a number of catechumens. When urged to go in to Kho-khoi and see for himself how things were he objected that it would appear as if he wished to exert an unfair influence. He also blamed us for having taken the case to the magistrates at all, instead of going to him and settling it among ourselves. He was met with the reply that it properly belonged to the magistrates, that it was a civil case against A Meng as a midnight robber, and not against A Meng as a Roman Catholic; that it made no difference whether he belonged to a church or not; church-member or no church-member he was amenable to the laws. To all of this the gist of the priest's reply was, that the thing to do <u>now</u>, was to release A Meng, and that if he were held or given over to the authorities more serious trouble would follow, and it would make a big affair of it. He further said that if A Meng ever made any trouble in the future, he himself would seize and hand him over to the authorities. To this the reply was made that he (the priest) had no such power nor authority, and that any guarantee that he would be able to give would not be sufficiently reliable.

No stress was laid on the alleged capture of A Meng in the Roman Catholic premises, <u>except</u> as it bore on the question of his release. No demand was made for the punishment of what, if true, would have been a gross outrage on the part of our people.

On leaving the Consulate premises where he had been somewhat detained Mr. Ashmore met Mr. McKibben just in from Kho-khoi, and hoping to see the French priest and give him the evidence of an eye witness, both turned back to the Consulate and Mr. McKibben reported to the Consular Agent what he had seen at Kho-khoi, and then by the Consul's advice they both went together to see the

complained against him. He asked the American Consular Agent, who was sending in a despatch in behalf of the American missionaries, to allow him to avail himself of the opportunity of getting in to the Magistrate along with it, a letter of his own, thinking it may be that coming in this way it might appear to the Magistrate to be a sort of semi-official offset to the despatch which it accompanied. What this letter of the priest's contained we can only infer from the Magistrate's reply a copy of which has been furnished us from the Yamen records. But it is quite certain that the release of A Meng was represented as most essential, and that without any of the prerequisites of a judicial inquiry, and with only the guarantees of the priest for the future good conduct of this notorious law-breaker.

Interview of the American Missionaries with the French priest.

At the request of the French priest Pere Serdet conveyed through the American Consular Agent Mr. Ashmore met the former at the American Consular Agency, on Monday March 16th. In an interview of about an hour's duration, Pere Serdet admitted A Meng's previous bad record, but claimed that he had reformed and joined the church, and was now a good man, and these charges that had been made against him could not be true. He stoutly maintained that the story of A Meng's assault on the Baptist Chapel and his capture in that assault as given by our people was untrue, and that on the contrary he was captured on the Roman Catholic premises. He claimed that the trouble arose simply from a dispute about doctrines, and again that it originated in the desire of A Lam for revenge on account of an unjust penalty recently imposed on him, as already related, which he (the priest) admitted to have been unduly severe. He said that there was but one Roman Catholic church member at Kho-khol, though there were a number of catechumens. When urged to go in to Kho-khol and see for himself how things were he objected that it would appear as if he wished to exert an unfair influence. He also blamed us for having taken the case to the magistrates at all, instead of going to him and settling it among ourselves. He was met with the reply that it properly belonged to the magistrates, that it was a civil case against A Meng as a midnight robber, and not against A Meng as a Roman Catholic; that it made no difference whether he belonged to a church or not; church-member or no church-member he was amenable to the laws. To all of this the gist of the priest's reply was, that the thing to do now, was to release A Meng, and that if he were held or given over to the authorities more serious trouble would follow, and it would make a big affair of it. He further said that if A Meng ever made any trouble in the future, he himself would seize and hand him over to the authorities. To this the reply was made that he (the priest) had no such power nor authority, and that any guarantee that he would be able to give would not be sufficiently reliable.

No stress was laid on the alleged capture of A Meng in the Roman Catholic premises, except as it bore on the question of his release. No demand was made for the punishment of what, if true, would have been a gross outrage on the part of our people.

On leaving the Consulate premises where he had been somewhat detained Mr. Ashmore met Mr. McKibben just in from Kho-khol, and hoping to see the French priest and give him the evidence of an eye witness, both turned back to the Consulate and Mr. McKibben reported to the Consular Agent what he had seen at Kho-khol, and then by the Consul's advice they both went together to see the

the priest at St. Joseph's Mission in Swatow, whither he had returned. Mr. McKibben related to him what he had seen at Kho-khoi, of the lawless conduct of A Meng's followers (A Meng himself being still a prisoner) of the fighting tower erected by them, of their insolent treatment of the Chao-yang Magistrate on the day before, Sunday March 15th., about the seizure of the "ti-pao" of the neighboring market town, on the 1st.of March, and before the attack on our chapel etc.etc. A Chinaman present from Kho-khoi, and presumably one of A Meng's adherents explained to the priest that the tower was merely for observation, that far from insulting the Chao-yang Magistrate the crowd had knelt in the dirt and implored him to release A Meng, that the "ti-pao" had been taken in hand because he had wronged one of the Roman Catholic adherents

Here too the priest said as in the earlier interview at the Consulate that A Meng ought to be released, that if he were handed over it would make a much more serious affair of it and he feared there would be fighting. Further that if in the future A Meng should make trouble he himself would seize and and hand him over. Great stress was laid on letting him go for this once. An influential Catholic from Huapheng village present during most of this interview urged that we settle the matter without further trouble. The attitude of the priest was unmistakable, the unconditional release of A Meng on his (the priest's) desire and his personal guarantee for the future, with a smoothing over of the whole affair.

How could we on our side consent to the turning loose again on our people and the community, of an outlaw who had terrorized his neighborhood and defied the magistrates? How could we countenance a course that would have proclaimed to the world the doctrine that a criminal might pursue his lawless course with impunity, if only he should shelter himself under the name of the Roman Catholic church? We had good reason to expect a stubborn contest, but there was no other course open to us than to accept it, confident of the approval of all right thinking people.

Thrice Repeated Failure to Come to a Hearing.

On Apr.7th. the American missionaries received through Consul Streich a request from the French priests, for an examination of witnesses in the Consul's presence. Three members of the Baptist church at Kho-khoi were named by the priests as persons whom they wished to have come for an examination. To this request while expecting little practical result from it, the American missionaries consented, and without delay sent for the three persons named. At the same time they learned that the priests PP. Serdet and Merel had just gone in to Kho-khoi to make investigation, expecting to be abck again at the end of the week, in time for the proposed examination on Saturday. Already on the day before the appointed time the three witnesses on our side were on hand, but a note from the Consul disclosed the fact that the priests who had returned from Kho-khoi, and professed to have abundant testimony on their side of the case, no longer wished the examination which they had themselves proposed. However when the Consul suggested the propriety of an examination of the case before the Chao-yang Magistrate as the proper official, they gave their assent.

On Tuesday April 14th.the American missionaries were informed by the Kho-khoi school-master,who had been detained at the Chao-yang yamen, as sort of offset on our side to A Meng on the other, that Wednesday the 15th. had been set by the Magistrate for a hearing of the case. Accordingly Messrs McKibben and Ashmore Jr.

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Ashmore Jr. went in on that day, to Chao-yang to be present and observe the conduct of the examination, taking with them the Consul's Streich's card. Arrived at the Yamen, they learned that while the witnesses on their side had responded to the Magistrate's summons, and were on hand and ready for examination, those on A Meng's side had not appeared and therefore the hearing would have to be postponed.

Having however come to the yamen, the missionaries thought it only courteous and proper that they pay a call to the Magistrate In the brief interview they had, they learned pretty well his attitude in the affair. As to A Meng he said that aside from our complaint against him, a former magistrate had charges and had offered a reward for his arrest, and for that reason he must hold him until he received instructions from the higher Authorities. As to the other members of A Meng's gang, the confederates concerned with him in the attack on our chapel, and in the pillaging of our people, since the capture of A Meng, he would do what was just and impartial, but the difficulty was we said and wanted one thing and the other side and wanted another thing, and he feared if he rendered a decision which displeased either party, that party would make him trouble. We reminded him that he had spent half a month at Kho-khoi, and was in a position to judge for himself as to the truthfulness of the statements on the two sides. When asked about security for our people in the future he could give no assurance.

Before the missionaries left the Magistrate set another day, Friday Apr. the 17th.for the hearing of the case, and said he would inform the French priests and their witnesses. He at the same time assured the missionaries that it would be quite unnecessary for them to come in again. He would be fair and impartial whether they came in or not. It would make no difference on that score. But he feared that if they came their ears might be offended by insulting language. He received the reply that the missionaries were not afraid of that;he himself would be there.

On Friday Messrs McKibben and Ashmore again went to Chao-yang having failed to receive a message sent from the yamen of another postponement. They again saw the Magistrate and desired to know when the hearing would take place. He could not tell, but promised to give them three days notice of the day that should be set. He also had produced a letter sent in from Kho-khoi with the card of a Chinese Roman Catholic, Li Liang Min to one of the yamen underlings, which letter said that the French priest P. Merel had referred the matter to Canton, and they must await his reply before they would be ready to come. This was their response to the Magistrate's official summons by his constables.

The missionaries now requested that the Kho-khoi school teacher, Li Tek Iong who had been at the yamen since March 24th. awaiting a hearing of the case, be allowed to return to his home and his duties, and they were ready to guarantee his presence at the yamen when he should be wanted. The Magistrate replied that he could not allow him to go lest he be accused of partiality in releasing our man while holding A Meng! !

Nothing remained for the missionaries except to return home and report the state of affairs to their Consular representatives.

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follow up the native priest and as their subsequent action shows do what they could to bring about the release of A Meng. They were there April 7th.8th. & 9th. (25th.26th. & 27th. of 2nd.moon). Their coming was attended with some sort of consolidation of the uncertain religious elements among A Meng's followers. At the beginning of the trouble there was only one Roman Catholic church-member in the whole place, the man Li Ti Ngiap, with a few catechumens. We have the word of Pere Serdet for this statement. A Meng's heavy enlistment of followers had therefore been among people who were not Roman Catholic at all. It is known that he and Ti Ngiap had depicted in glowing colors the secular advantages that would ensue from connection with the Roman Catholic church, and had produced quite an impression. But some were ready and some were not. In those earlier stages some papers had been distributed bearing the motto, "Sia Sin kuang chie" "Holy Spirit enlighten". These were to be put up over the door, and were understood to have the force of a Roman Catholic protection paper. Some of A Meng's followers were afraid that their household idols would take offense at this, and removed them but had them ready for use in case of an unforeseen emergency.

It is not therefore surprising to learn, that when the priest got to Kho-khoi there was a great awakening of religious interest, and that some hundreds of names should be ready for enrollment if the way were clear. How many were actually received we do not know. But the priests on their return to Swatow stated with manifest satisfaction, that they had more converts at Kho-khoi than the Protestants had.

While there they wished to make some inquiry about the character of A Meng, and so were taken by one of his confederates to an old patron of A Meng in his own village of Au-khe. This patron had been a backer of A Meng in his lawless operations of other days, a sort of receiver of stolen goods, to borrow a comparison. He of course gave A Meng a good character and said he had been slandered by those who said otherwise. This so far satisfied the priests that, so far as we have been able to learn, they did not think it worth the while to pursue their inquiry further. On the contrary they returned to Swatow, more fully convinced than ever that the whole affair was a "put up job" on the part of the Protestants for the purpose of injuring the Catholics whose growing numbers were alleged to be a source of jealousy.

Course pursued by Chinese Authorities, in consequence of The Intermeddling of the Priests.

As already stated the case of the American missionaries against A Meng, the midnight assailant of their chapel, was very simple, and ought to have been disposed of at once. But it was not disposed of, and the reason why, has already become apparent. It was the intermeddling of the priests, who have obstructed the course of justice from first to last.

The Chinese Authorities found themselves confronting two obstacles, which ultimately however combined into one.

First; There was the power of A Meng's lawless organized gang, composed of professed Catholics. They were strong and numerous and it was not known how far they would venture in behalf of their chief. Still soldiers enough could, in a little time, be gotten together to overcome any difficulty in that direction. But,

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In order to avoid facing the issue and to escape all responsibility in the American case submitted to them for adjudication the Chinese Authorities,

1. Assumed that the whole affair was merely a quarrel between two rival bodies of religionists about doctrines, and was to be settled by a conference of the missionaries on the two sides, the Chinese Magistrate apparently occupying the position of a neutral outsider, or at the most acting as a sort of mediator between two contending parties. The priests too were quite willing, nay anxious to have this view prevail, and on their part claimed that it was only a dispute about doctrine, in which both sides were to blame. The American missionaries have firmly and consistently, from the outset denied that it was, in any true sense, a religious quarrel, and only as the intervention of the priests in behalf of the outlaw A Meng and his confederates, on the ground that they professed to be Catholics, may have given it that color. Right here is a square issue between the two parties.

2. In the carrying out of their purposes to avoid all danger of international complications, and to steer clear of all embarrassments from either side, they are treating both plaintiff and defendant as nearly alike as possible. They know beyond all question where the truth lies, but in order not to give offense to those whom they fear, they choose to represent that it is six of one and half a dozen of the other, that both sides are responsible, both sides are guilty of disturbance of the peace. And so when the criminal A Meng was taken over at our request, they said they must take some one along from among our people, in order to even things up, or else the other side would complain of partiality. The same thing is noticeable in their official correspondence. This shirking of their responsibility to face the question we may justly complain of; this unfairness toward the plaintiff we protest against; this pretended inability to get at the truth stirs our righteous indignation. It is as though a householder having his house broken into at midnight, should be fortunate enough to succeed in seizing the burglar, and equally with him arraigned for having disturbed the quiet of the neighborhood the night before. The judge on the bench anxious not to offend influential accomplices of the burglar declares it impossible to tell whether the burglar was robbing the householder or the householder the burglar, and therefore orders a compromise in order to relieve the strain on the mental powers of the court.

The Chinese Authorities propose a Settlement by the Two Parties themselves through Mediators.

The District Magistrate was exceedingly anxious to have the settlement of the whole question left to the parties themselves with the aid of some outside middle-men. In this wish the Taotai shared. By such an arrangement the Magistrate would be relieved of the difficulties and responsibilities of a judicial trial and decision, and furthermore the onus would be thrown on the party that did not fall in with the proposals of the negotiators,

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Something over a month after the beginning of the trouble an effort of this kind was made by the District Magistrate. By his direction the military officer Ping Meng Hong named some sixteen persons from surrounding villages to come together at Kho-khoi and try to fix up a settlement. They met April 9th. (2nd moon 27th.day), and saw both parties. The two priests from Swatow happened to be in the village at the time, having gone thither as has already been said to see things for themselves.

Our people for their part were quite ready to listen to anything like fair and reasonable proposals for a settlement of those points that immediately concerned themselves, though there was one thing, which had already been referred to higher authorities, and which they were not at liberty to determine.

What now were the proposals submitted by A Meng's party through the middle-men ? They demanded three things.

1. Acknowledgement by our people that they had seized A Meng unlawfully and without provocation.

2. Our people to secure for them or else permit them to secure the release of A Meng.

3. All personal injuries to be compared and the side that had suffered the most to be compensated for the excess.

Such proposals were preposterous; the first was outrageously false; the second brazenly presumptuous; and the third superlatively silly. The middle-men who brought them did not attempt to justify any of them but only reported them as they were.

The lesson taught by this feeble and abortive endeavor, was to enforce anew the point that a midnight assault on a chapel by armed ruffians is not a case for middle-men, but for a fearless and upright tribunal of justice.

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Dispatch

No 2562.

DIPLOMATIC
AUG 19 1896
BUREAU.

ASSISTANT SECRETARY
AUG 19 1895
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
AUG 19 1896
DEPARTMENT OF STATE

Legation of the United States.

Peking, July 13th, 1896.

Mr. Denby Jr. to the

Secretary of State.

Ackd. Aug. 1

Subject

Tariff revision and Standard Oil.

Subject

The Standard Oil Company makes suggestions concerning import duty on oil in case China revises the tariff.

One enclosure.

No 2562.

Legation of the United States.

Peking, July 13th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose a copy of a letter from the Shanghai agent of the Standard Oil Company to Mr. Jernigan which was by him forwarded to this Legation.

The Chinese Government has given no intimation that an increase of import duties is contemplated. There are reports that

that the subject will be taken up on the return of the viceroy Li. It is not probable, however that any action is hoped for by China for some years to come, because in the Japanese Commercial Convention, recently concluded, it is provided that the tariff shall be that now existing, and providing also that revision of said treaty may be made after ten years. Were it the Chinese Government's intention to take up at once tariff revision some arrangement therefor at an earlier date than ten years would doubtless have been made.

Whatever sympathy may be felt with China's efforts to relieve

her

her present financial straits by increased import duties, the Standard Oil Company's suggestion that such increase should be compensated by a reduction in likin seems worthy of consideration. Import duties go into the treasury of the central government while likin is for the most part simple "squeeze" and deserving of little respect.

I have the honor to be,
Sir,
Your obedient servant,
Chas. Denby Jr.
Chargé d'affaires ad interim.

Enclosure:

Standard Oil Co. to Mr. Jernigan,
June 29th, 1896.

Standard Oil Co., of New York, Enclosure in No 2562.

Shanghai, 29 June, 1896.

T.R. Jernigan, Esqr.,

U.S. Consul General,

Dear Sir:-

As the subject of an increase in the Tariff is now being mooted by the Chinese Government, we beg to submit to you a few points regarding our own trade, which we trust you will bring to the notice of the Minister of the United States for his information when discussing the question with the Tsungli Yamen.

At present the import duty on all Kerosine oil is five per cent ad valorem, upon the market value of the oil at the time of its arrival in China. Considering the cheap and good light is one of the greatest boons to mankind, not only as a personal comfort but as the means of increasing the hours of labor or study and by illuminating streets and cities, preventing accidents, robbery or violence, any steps tending to increase the cost of such necessity of life should be strenuously argued against, in the interest of the Chinese people as well as in the interest of the Chinese Government. These considerations as so apparent that we feel sure Col. Denby will have no hesitation in opposing any increase of duty on kerosine oil, and will also, doubtless, urge the same arguments against any increase in the duty on lamps or lampware.

But it is possible that the necessities of China for a larger Customs revenue may be so strong that our Minister may be induced to sanction some increase in all duties and may not feel justified in excluding oil. In such case we can only hope that he will contend for the smallest possible increase in such duty.

As you are well aware, the amount of import duty only represents a small portion of the taxes now levied on foreign imports into China before the goods can reach the consumer in the interior. Each province, each city and each district has its special "likin tax", all of which swell up the cost of oil until, in some places, a case has to pay 60 cents likin, whereas the original likin duty was only 7 cents.

If only this system of local "squeezes" could be abolished there would, in our opinion, be no objection to an increase in the present tariff on imports, and we would urge that, under no circumstances, should any increase in the tariff be agreed to unless accompanied by material guarantees that all likin and other internal taxes become abolished absolutely.

Should it be decided to agree to a change in the tariff, we would ask that kerosine oil from all countries be classified for the same <u>specified</u> duty, instead of remaining, as it now, amongst the unenumerated goods subject to an ad valorem duty. This is very important as regards American oil, and we would specially bring it to your attention and to the attention of our Minister.

The classification should be "per case of two tins without a case, containing 10 American gallons of 65 lbs. net of oil".

And bulk oil should also pay a specific duty per 10 gallons; based on the duty for oil packed in cases.

Another very important point to secure is that of stipulating that any value of oil packed in cases should be exclusive of the wooded boxes in which the tins are packed. These boxes are only for the better protection of the tins, and, although their cost is quite an item still they are of no practical value after use.

In conclusion we beg to express the hope that before agreeing to any change in the tariff the U.S.

Enclosure in No 2552.

Standard Oil Co., of New York,
Shanghai, 29 June, 1900.

T.R. Jernigan, Esqr.,
U.S. Consul General,

Dear Sir:-

As the subject of an increase in the Tariff is now being mooted by the Chinese Government, we beg to submit to you a few points regarding our own trade, which we trust you will bring to the notice of the Minister of the United States for his information when discussing the question with the Tsungli Yamen.

At present the import duty on all Kerosine oil is five per cent ad valorem, upon the market value of the oil at the time of its arrival in China. Considering the cheap and good light is one of the greatest boons to mankind, not only as a personal comfort but as the means of increasing the hours of labor or study and by illuminating streets and cities, preventing accidents, robbery or violence, any steps tending to increase the cost of such necessity of life should be strenuously argued against, in the interest of the Chinese people as well as in the interest of the Chinese Government. These considerations as to apparent that we feel sure Col. Denby will have no hesitation in opposing any increase of duty on Kerosine oil, and will also, doubtless, urge the same arguments against any increase in the duty on lamps or lampwares.

But it is possible that the necessities of China for a larger Customs revenue may be so strong that our Minister may be induced to sanction some increase in all duties and may not feel justified in excluding oil. In such case we can only hope that he will contend for the smallest possible increase in such duty.

As you are well aware, the amount of import duty only represents a small portion of the taxes now levied on foreign imports into China before the goods can reach the consumer in the interior. Each province, each city and each district has its special "likin-tax", all of which swell up the cost of oil until, in some places, a case has to pay 80 cents likin, whereas the original likin duty was only 7 cents.

If only this system of local "squeezes" could be abolished there would, in our opinion, be no objection to an increase in the present tariff on imports, and we would urge that, under no circumstances, should any increase in the tariff be agreed to unless accompanied by material guarantees that all likin and other internal taxes become abolished absolutely.

Should it be decided to agree to a change in the tariff, we would ask that Kerosine oil from all countries be classified for the same <u>specified</u> duty, instead of remaining, as it now, amongst the unenumerated goods subject to an ad valorem duty. This is very important as regards American oil, and we would specially bring it to your attention and to the attention of our Minister.

The classification should be "per case of two tins without a case, containing 10 American gallons of 85 lbs. net of oil".

And bulk oil should also pay a specific duty per 10 gallons; based on the duty for oil packed in cases.

Another very important point to secure is that of stipulating that any value of oil packed in cases should be exclusive of the wooded boxes in which the tins are packed. These boxes are only for the better protection of the tins, and, although their cost is quite an item still they are of no practical value after use.

In conclusion we beg to express the hope that before agreeing to any change in the tariff the U.S.

U.S. Minister will inform us what alterations may be suggested in the item of kerosine oil and then allow to again discuss the subject.

We remain, dear Sir, Yours res'pctly, Standard Oil Co. of N.Y.

Henry Gribble, Agt.

P.S. It will not be to American interests to oppose any suggested increase in the import duty on tin plates.

ASSISTANT SECRETARY
AUG 19 1896
DEPARTMENT OF STATE.

No 2563. DIPLOMATIC
AUG 19 1896
BUREAU

Dept. Bur' Ack ft

Legation of the United States.

INDEX BUREAU
RECD.
AUG 19 1896
DEPT. OF STATE

Peking, July 13th, 1896.

Mr. Denby to the

Secretary of State.

Ackd. Aug. 20

Subject

Louis Spitzel and Li Hung-chang

Synopsis

Louis Spitzel has no official connection with Li's visit to America.

No 2563.

Legation of the United States.

Peking, July 13th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have noticed in the American papers many allusions to a certain Louis Spitzel, who has recently gone to the United States and who has apparently spread abroad the impression that he was to be connected, in some way, with the Grand Secretary Li Hung-chang while in America. The extreme publicity given

given to Mr. Spitzel's statements is my excuse for writing the Department on a subject of little importance.

The firm of Spitzel & Co. has houses at Tientsin and Shanghai. They represent the Thames Iron Works and the Maxim-Nordenfeldt Gun Co., of England, and John Cockerill & Co., Locomotive builders, of Belgium. There are four Spitzels, all Austrian Jews by birth, one a naturalized British subject, two naturalized American subjects and one Austrian. They have been engaged in the contracting business in China for some years, and I am reluctant to add that their reputation is bad.

2t

It is this firm that became chiefly conspicuous for the frauds in arms of which the Chinese authorities complained during the recent war. The personal character moreover of the members of the firm is not above reproach.

Mr. Louis Spitzel has no official connection with the ex-Viceroy Li and probably no personal relations with him. His statements to American journalists meet only derision here.

Adolph Spitzel, one of the American brothers, called upon me recently to be presented to the Tsungli Yamen. I demanded his credentials as representative of some American interest, which

Le

he was unable to produce, and I positively refused to aid him. Notwithstanding the high character of the English firms represented by him, Her Majesty's Ministers also declined to introduce him.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

DIPLOMATIC
SEP 4 1896
BUREAU.

No 2564.

INDEX BUREAU
RECD.
SEP 4 1896
DEPT OF STATE

Legation of the United States.

Peking, July 21st, 1896.

Mr. Denby Jr. to the

Secretary of State.

To Navy 15 Sept

Subject

Chinese flags - designs enclosed.

One enclosure.

No 2564.

Legation of the United States.

Peking, July 21st, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

As directed in your unnumbered despatch of the 25th ulto, I have the honor to enclose, herewith, designs of nine Chinese flags. These were procured from the Minister Superintendent of Northern Trade by United States Consul Read, at my request, and include all official personal flags worn afloat and displayed from

from fortifications. The delay in forwarding them is the result of the dilatoriness of the Chinese authorities.

The proportions of the flags are given in the notes in Chinese to the right of each, a translation whereof is hereto appended, numbered from one to nine to correspond with the numbers above the designs.

I have the honor to be, Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosures:

Designs of flags and translation.

ASSISTANT SECRETARY
SEP 4 1896
DEPARTMENT OF STATE.

DIPLOMATIC
SEP 5 1896
BUREAU.

No 2565.

INDEX BUREAU
RECD.
SEP 4 1896
DEPT. OF STATE.

Legation of the United States.

Peking, July 22nd, 1896.

Mr. Denby Jr. to the Secretary of State.

Rec'd Sept 5 '96

Subject

The Japanese commercial convention.

Synopsis

The Japanese commercial convention signed on the 21st instant at Peking. It follows the provisions of the Shimonoseki treaty.

№ 2565.

Legation of the United States.

Peking, July 22nd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform you that, on the 21st instant, the commercial convention, provided for in Article VI of the Shimonoseki Treaty, was signed by the Japanese Minister and the Chinese Plenipotentiary in this city.

There was some reluctance on the part of China to surrender jurisdiction

jurisdiction over Chinese subjects in Japan while the jurisdiction of the latter power over her subjects in China is maintained. This was insisted upon, however, by the Japanese Minister under the provision in Article VI that the treaties between China and European Powers should serve as the basis of the convention. The degree of reciprocity contained in the provision of Article V of the treaty of 1894 between China and the United States, for the registration of American laborers, was refused consideration by the Japanese on the ground that the United States are not a European Power.

The only other point over which serious

serious discussion arose was the taxing of manufactured articles, and that was disposed of as reported in my despatch No. 2557, of the 3rd instant.

The negotiators of this convention declare themselves unable to furnish copies thereof before its ratification.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim

COPIED FOREIGN RELATIONS

2566

ASSISTANT SECRETARY
SEP 4 1896
DEPARTMENT OF STATE

No. 2566

2D ASSISTANT SECRETARY.
Acknowledged with gratification that this matter is disposed of.
SEP 4 1896

DIPLOMATIC
SEP 5 1896
BUREAU.

RECD.
SEP 4 1896
DEPT. OF STATE

Legation of the United States.

Peking, July 22nd 1896.

Mr. Denby Jr. to the

Secretary of State.

Sept 5/96

Subject

American Baptist Union's claim.

Synopsis

The treasurer of the above society has received payment of the indemnity demanded by it. Receipt enclosed.

One enclosure.

No 2566.

Legation of the United States.

Peking, July 22nd 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose,

herewith, a copy of the receipt

given by J. R. Goddard, Treasurer

of the American Baptist Missionary

Union, for Tls. 11.305, paid by the

Chinese Government, through the

Shanghai Taotai, for said Mission's

losses in Szchuan.

I have the honor to be,

Sir,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d' Affaires ad interim.

Enclosure:

Receipt as above.

Enclosure in No 2566.

Copy.

Received, June 18th, 1896, from T.R. Jernigan, Esq., Consul General of the United States at Shanghai, China, Taels Shanghai Sycee Fourteen thousand three hundred and five, (Shang. Sy. Tls. 14,305) paid to me, the Treasurer of the Eastern Central and Western China Missions of the American Baptist Missionary Union, as indemnity by China on account of the destruction of the property of the Baptist Missions of the aforesaid American Baptist Missionary Union at their several stations in the Province of Sz-chuen, China, by Chinese rioters in the Spring of 1895.
The said amount was paid to Consul General Jernigan by the Shanghai Taotai, and Consul General Jernigan was authorized by Minister Charles Denby to receive and pay the same to the representatives of the Baptist Missions named, and I hereby make oath that I, Josiah R. Goddard, who sign this receipt, am the legally authorized representative to receive and receipt for the said sum of Taels Shanghai Sycee Fourteen thousand three hundred and five, on behalf of the said Baptist Mission; and do hereby receive and receipt therefor.

Given under my hand and seal, this the date above written.

(Signed) J. R. Goddard

Mission Treasurer.

Subscribed to before me this Eighteenth day of June, Eighteen hundred and ninety six.

(Signed) John Fowler

U.S. Consul.

copy.

Received, June 18th, 1888, from T.H. Yenching, Esq., Consul-
-general of the United States at Shanghai, China, Taels Shanghai
Sycee Fourteen thousand three hundred and five. (Gurus. gr. Ets.
14,305) held to me, the Treasurer of the American Consular Body
Western China Missions of the American Baptist Missionary Union,
as indemnity by China on account of the destruction of the prop-
erty of the Baptist Missions of the aforesaid American Baptist
Missionary Union at Suiyuen Fooo in the Province of
Shan-tung, China, by Chinese rioters in the Spring of 1888.
And said amount are held to Consul General Yenchiang to the Secre-
tary of the American Baptist Missions Union, and Consul General Yenchiang
Chefoo Depy to receive and pay the same to the Representatives
of the Baptist Missions named, and I hereby make oath that I

Secretary of Legation

Yenchiang, Esq., Consul
U.S. Consul.

(Signed) John Fowler

subscribed to before me this Eighteenth day of June, Eighteen
hundred and eighty six.

(Signed) W. R. Goddard

Notary Public.

Given under my hand and seal, this the date above written.

(Signed) W. R. Goddard

Received from Yenchiang Esq. Consul
the sum of Fourteen thousand three hundred and five. on
behalf of the said Baptist Missions; and do hereby receive and
receipt therefor.

2567

No. 2567

ASSISTANT SECRETARY
SEP 4 1896
DEPARTMENT OF STATE.

2D ASSISTANT SECRETARY.
See Treasury reply Sept 11.
So answer Mr. Denby.
SEP 12 1896

DIPLOMATIC
SEP 5 1896
BUREAU.

INDEX BUREAU
RECD.
SEP 4 1896
DEPT OF STATE

Legation of the United States,

Peking, July 24th, 1896.

Mr. Denby No. to the

Secretary of State.

To Treasury, Sept 5. Answd Sept 14.

Subject:

Chinese entry to the United States.

Report Treasury talk to the collectors when sufficient

Synopsis:

Pacific Mail S.S. Co. Canton wishes local officials to be authorized to issue certificates to exempt Chinese. Mr. Denby instructs to apply to Taotai through Consul.

One enclosure.

(

No. 2567.

Legation of the United States,
Peking, July 24th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

On the 21st instant,
I received a telegram from
Consul Seymour at Canton,
stating that the Pacific Mail
S.S. Co. urgently wished
that the Commissioner of
Customs, a the Taotai, be
empowered to issue certificates
to Chinese, other than laborers,
wishing to enter the United
States

States, as required by the U.S. statute of July 5th, 1884. In reply I instructed Mr. Seymour to prepare a certificate, according to statute, to be signed by the Taotai and visèd by himself, following the procedure in the case of Dr. Howe, set forth in the Foreign Relations of 1890, page 186.

1/2567 I have the honor to enclose, herewith, a copy of my despatch to Mr. Seymour, in which I confirm these telegrams, and in which I suggest to him that before affixing his visé he should thoroughly satisfy himself that the applicant for

for the certificate is entitled thereto.

This inquiry from Canton doubtless has some connection with the matter referred to in your despatch No 1278, of the 21st May, to which I replied in No 2552, of the 26th ultimo. I renew the suggestion therein made that to simplify the method of issuing certificates might lead to an abuse of the privilege. The bona fide applicants therefor are not numerous, and there seems no reason why they should become so.

I have the honor to be,

Sir,

Your

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim

Enclosure:

Mr. Denby Jr. to Mr. Seymour

No 352, July 22nd, 1896.

Enclosure in No 2567.

Copy. No 352

LEGATION OF THE UNITED STATES,

Peking, July 22nd, 1896.

Charles Seymour, Esquire,

United States Consul,

Canton.

Sir:

I have the honor to confirm on the overleaf your telegram of the 21st instant and my reply of this date.

The character of certificate required from Chinese other than laboring classes wishing to visit the United States is set forth in the U.S. Statutes at large, 1883-1885, p. 116. It is therein provided that such certificate must be issued by the Chinese Government. In the case, however, of Dr. Howe, a Chinese subject who entered the United States in 1890, this Legation pointed out to the Department of State the impracticability of securing such certificates from the central government, and the Treasury Department, at the suggestion of this Legation, held that the certificate of a Taotai properly viseed by a consular or diplomatic officer would be sufficient in law to authorize the collector of customs to permit the Chinese subject mentioned therein to land. This subject is referred to in the Foreign Relations of the United States, 1890, p. 186.

It is not believed to be the desire of the American Government to unduly facilitate the granting of certificates. The instances in which Chinese other than laborers wish to visit the United States are not numerous, and in all cases before you affix your visé you should thoroughly satisfy yourself that the applicant is entitled to the certificate.

You are requested to inform this Legation of all applications

You are requested to inform this Legation of all applications

that is entitled to the certificate.

Your also you should promptly notify your consul that the appli-

cant for a passport is not a naturalized citizen of the United States, and in all cases before you attix your official seal to any Chinese other than laborers who wish to visit the interior of China. This supplies is referred to in the Foreign Relations of the United States, 1880, p. 181.

It is not believed to be the desire of the American Government to unduly facilitate the granting of certificates. The

COPY. No 221

DEPARTMENT OF STATE.

Peking, July 22nd, 1880.

Charles Denby, Esquire,

United States Consul,

Canton.

SIR:

I have the honor to acknowledge on the receipt from Peking

of the 21st instant and to reply to this date.

The character of certificate required from Chinese other than laboring classes wishing to visit the United States is set forth in the U.S. Statutes at large, 1881-1882, p. 114. It is

also required that such certificate must be issued by the Chinese Government. In the case, however, of Dr. Howe, a Chinese subject who entered the United States in 1880, this Legation pointed out to the Department of State the impracticability of securing such certificates from the central Government, and the

applications approved by you.

I am etc.

(Signed) Charles Denby Jr.

Telegram received.

Canton, July 21st, 1896.

Denby, Peking:

Pacific mail company urgently desires commissioner customs Canton or some taotai empowered issue Chinese passenger certificates exempt classes as required early reply requested.

Seymour.

Telegram sent.

Peking, July 22nd, 1896.

Seymour, Canton:

Prepare certificate according to statute ask Taotai sign your vise this sufficient authority to permit entry. See Foreign Relations ninety page one eighty six.

Denby.

applications approved by you.

I am etc.

(Signed) Charles Denby Jr.

Telegram received.

Canton, July 21st, 1899.

Denby, Peking:

Pacific mail company urgently desires commissioner customs Canton or some tactful empowered issue Chinese passenger certificates exempt classes as required early reply requested.

Seymour.

Telegram sent.

Peking, July 22nd, 1899.

Seymour, Canton:

Prepare certificate according to statute ask Tactal sign your visa this authorizing authority to permit entry. See Foreign Relations ninety page one eighty six.

Denby.

2568

DIPLOMATIC
SEP 5 1896
BUREAU.

ASSISTANT SECRETARY
SEP 5 1896
DEPARTMENT OF STATE

INDEX BUREAU
RECD.
SEP 4 1896
DEPT. OF STATE

No 2568.

Legation of the United States.

Peking, July 24th, 1896.

Mr. Denby Jr. to the

Secretary of State.

Report

The Ku-chi case in Kwangtung.

Synopis

Further correspondence between the American missionaries and the Legation enclosed.

Two enclosures.

No 2568.

Legation of the United States.

Peking, July 24th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to supplement the papers with reference to the Ku-chi case enclosed in despatch No 2561, of the 11th instant, by copies of Mr. Ashmore's letter of June 23rd to me and of my reply to Mr. Ashmore under this date.

In his desire for vindication Mr. Ashmore seems to lose sight

of

of the fact that this case is now practically settled in his favor.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

Enclosures:

1. Mr. Ashmore to Mr. Denby June 23d, 1896.

2. Mr. Denby to Mr. Ashmore July 24th 1896.

Enclosure 1 in No 2568.

Swatow.

June 23rd 1896.

COPY.

Hon.Charles Denby Jr.

Chargé d'Affaires,

U.S.Legation,

Peking.

Sir;

We are gratified to learn from your favor of the 8th. of June, that you are satisfied of the truthfulness of our representations, and the justice of our case submitted to your hands. On that account we shall hope for your full and vigorous support until the case is carried through. All that we have asked for is the establishment of the truth and the vindication of justice. Notwithstanding the opposition of the French Minister these things are not too much to call for from the Chinese; and, when we consider how the subjects of other nationalities are cared for, we are confident that our Department of State will not favor American citizens being put off with less.

We are glad to get from your despatch to Mr. Seymour a summary of Mr.Gérard's "contradiction" of our statement to you. For the first time since this case began, have we had some of them officially formulated in a way in which we can take hold of them. We lose no time in challenging them outright. Mr.Gérard puts forward eight specific allegations for which he now makes himself responsible.

1. "That Chen A Ming's bad reputation is undeserved".

2. "That he (Chen A Ming) was seized in the Catholic chapel by armed Protestants".

3. "That no attempt was made to release him by force".

4. "But a peaceable mission which was sent on the day after his capture to discuss the question of his release, was fired

Enclosure in No 2558.

Squiers.

June 23rd 1896.

COPY.

Hon.Charles Denby Jr.

Charge d'Affaires,

U.S.Legation,

Peking.

Sir;

We are gratified to learn from your favor of the 8th. of June, that you are satisfied of the truthfulness of our representations, and the justice of our case submitted to your hands. On that account we shall hope for your full and vigorous support until the case is carried through. All that we have asked for is the establishment of the truth and the vindication of justice. Notwithstanding the opposition of the French Minister these things are not too much to call for from the Chinese; and, when we consider how the subjects of other nationalities are cared for, we are confident that our Department of State will not favor American citizens being put off with less.

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1. "That Chen A Ming's bad reputation is undeserved".

2. "That he (Chen A Ming) was seized in the Catholic chapel by armed Protestants".

3. "That no attempt was made to release him by force".

4. "But a peaceable mission which was sent on the day after his capture to discuss the question of his release, was fired

fired upon, and that two men were wounded one of whom has since died".

5. "That no damage was done to the fields of the Protestants"

6. "That the Protestants have been the aggressors".

7. "That foreign consular interference has been asserted much more strongly on behalf of the Protestant than of the Catholic case".

8. "That notwithstanding which, the local authorities perceptibly incline to regard the latter as in the right".

These eight specifications are the substructure on which Mr. Gérard builds his decision in the case, but it is a substructure of unsupported assertion, and of utter untruth.

The first assertion is absolutely disproved by official and documentary evidence in great abundance.

The second we deny utterly, and by reason of its supreme importance we ask you to call upon him for the proof.

The third is contradicted by official evidence, by documentary evidence, by circumstantial evidence, and by other reliable personal evidence.

The fourth we deny utterly; there is not a shadow of proof of any "peaceable mission" of any kind; but of a fighting errand with guns and even a cannon, there is ample proof.

The fifth we utterly deny. When we consider that both Mr. McKibben and the District Magistrate were at Kho-Khoi at the time, and were cognizant of the pillaging and "damage" then and there going on, those who furnished this assertion to Mr. Gérard were brazen in their assurance. But Mr. Gérard has made their denial "no damage done" his own, and it is for him to answer.

The sixth we declare to be untrue. We challenge the so-called evidence on which the charge is said to rest. We know where the assertion started, and how it was propagated. Let the testi-

fired upon, and that two men were wounded one of whom has since died".

5. "That no damage was done to the fields of the Protestants"

6. "That the Protestants have been the aggressors".

7. "That foreign consular interference has been asserted much more strongly on behalf of the Protestant than of the Catholic case".

8. "That notwithstanding which, the local authorities perceptibly incline to regard the latter as in the right".

These eight specifications are the substructure on which Mr. Gerard builds his decision in the case, but it is a substructure of unsupported assertion, and of utter untruth.

The first assertion is absolutely disproved by official and documentary evidence in great abundance.

The second we deny utterly, and by reason of its supreme importance we ask you to call upon him for the proof.

The third is contradicted by official evidence, by documentary evidence, by circumstantial evidence, and by other reliable personal evidence.

The fourth we deny utterly; there is not a shadow of proof of any "peaceable mission" of any kind; but of a fighting errand with guns and even a cannon, there is ample proof.

The fifth we utterly deny. When we consider that both Mr. McKibben and the District Magistrate were at Kho-Khoi at the time, and were cognizant of the pillaging and "damage" then and there going on, those who furnished this assertion to Mr. Gerard were brazen in their assurance. But Mr. Gerard has made their denial "no damage done" his own, and it is for him to answer.

The sixth we declare to be untrue. We challenge the so-called evidence on which the charge is said to rest. We know where the assertion started, and how it was propagated. Let the testi-

testimony be heard. Let them state when, where and how, Protestants began the aggressions; let opportunity be given for cross-examination and rebuttal. If Mr. Gérard is correct his statement need not fear the test.

The seventh is only seemingly true, not so in actual fact. Their appeals to consular consideration were sent in through a different channel. When a Roman Catholic Bishop in Canton besieges a Consul for four consecutive hours in order to influence his action, it will be understood what weight attaches to such a statement by Mr. Gérard.

The eighth we put into the witness box, to show how much the local authorities have been overawed by fear of what they call "French ascendency" just now. It was intended not to render a decision that would bring the French down on them. We have foreign testimony to adduce on this point. In connection with this we challenge that decision of the Chaoyang Magistrate made on May 1st. and 2nd. and shall be glad of an opportunity to point out its total evasion of the essential issue, and its ignoble subserviency to the fear of the French now dominant in this region.

Mr. Gérard is not willing to do anything himself. He seems determined that nobody else shall do anything, except in accordance with terms and conditions which he dictates. Against such dictation we protest and appeal.

I have the honor to be,

Your obedient servant,

(S'g'd) William Ashmore

Am' Bap' Mis' Union

Boston

Mass.

testimony be heard. Let them state <u>when</u>, <u>where</u> and <u>how</u>, Protestants began the aggressions; let opportunity be given for cross-examination and rebuttal. If Mr. Gerard is correct his statement need not fear the test.

The <u>seventh</u> is only <u>seemingly</u> true, not so in actual fact. <u>Their</u> appeals to consular consideration were sent in through a different channel. When a Roman Catholic Bishop in Canton besieges a Consul for four consecutive hours in order to influence his action, it will be understood what weight attaches to such a statement by Mr. Gerard.

The <u>eighth</u> we put into the witness box, to show how much the local authorities have been overawed by fear of what they call "French ascendency" just now. It was intended <u>not</u> to render a decision that would bring the French down on them. We have foreign testimony to adduce on this point. In connection with this we challenge that decision of the Chaoyang Magistrate made on May 1st. and 2nd. and shall be glad of an opportunity to point out its total evasion of the essential issue, and its ignoble subservience to the fear of the French now dominant in this region.

The <u>fourth</u> we deny utterly; there is not a shadow of proof Mr. Gerard is not willing to do anything himself. He seems determined that nobody else shall do anything, except in accordance with terms and conditions which he dictates. Against such dictation we protest and appeal.

I have the honor to be,

Your obedient servant,

(S'g'd) William Ashmore

Am' Bap' Mis' Union

Boston

Mass.

Enclosure 2 in No 2568.

No. 57
Misc.

Copy

LEGATION OF THE UNITED STATES,

Peking, July 24th, 1896.

Rev. Wm. Ashmore,

Swatow.

Dear Sir:

I have received your letters of June 23rd and 24th and July 8th.

If the Secretary of State appoints a commission and the French care to appear before it we will have an opportunity to call upon them for their evidence. In the meantime there is no tribunal before which we can summon them. Mr. Mc Kibben has doubtless explained to you the provisional form of settlement upon which we agreed. In this settlement the Chinese Government concurred and it acquiesced in my demands.

The fact that your converts who inflicted death and serious wounds upon their assailants go untried is sufficient justification of their action and a sufficient vindication of your steps in their behalf, while the detention in prison of Chan A-Ming is a sufficient admission of his previous bad character. To ask for further punishment of those who have been defeated and repulsed in their attack, suffering the loss of one dead, one crippled and one prisoner, would seem to be unnecessary. The authorities promise a proclamation guaranteeing future peace and the French authorities make formal promises that on their side there shall be no aggression.

This case has been referred to Washington with a letter from Mr. Mc Kibben to the Honorable Secretary of State and copies of

Enclosure 2 in No 2568.

No. 57

Copy

LEGATION OF THE UNITED STATES.

Peking, July 24th, 1880.

Rev. Wm. Ashmore,

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Dear Sir:

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If the Secretary of State appoints a commission and the French care to appear before it we will have an opportunity to call upon them for their evidence. In the meantime there is no tribunal before which we can summon them. Mr. Mc Kibben has doubtless explained to you the provisional form of settlement upon which we agreed. In this settlement the Chinese Government concurred and it acquiesced in my demands.

The fact that your converts who inflicted death and serious wounds upon their assailants do not find sufficient justification of their action and a sufficient vindication of your steps in their behalf, while the detention in prison of Chen A-Ming is a sufficient admission of his previous bad character. To ask for further punishment of those who have been defeated and repulsed in their attack, suffering the loss of one dead, one crippled and one prisoner, would seem to be unnecessary. The authorities promise a proclamation guaranteeing future peace and the French authorities make formal promises that on their side there shall be no aggression.

This case has been referred to Washington with a letter from Mr. Mc Kibben to the Honorable Secretary of State and copies of

of your brief statement and of your fuller statement of the Kho-khoi case and of other documents entire or in part. You are at liberty to supplement these papers as you may see fit. I have stated to the Department that your desire for the appointment of a commission had my sympathy on the ground that it would strengthen your hands, restore confidence to your adherents, facilitate your labors and that it would justify you in having brought forward this case and relieve you of the responsibility of having made assertions that are contradicted. I must add, however, that whatever the decision of the Department may be it seems more important to me that peace and order be restored than that an American commission formally declare that the statements of your opponents are false or that the Chinese officials have failed in their duty.

I am, Sir,

Your obedient servant,

[Sig'd] Chas. Denby Jr.

Chargé d' Affaires ad interim.

2569

No 2569.

DIPLOMATIC
SEP 17 1896
BUREAU.

Legation of the United States.

Peking, July 25th, 1896.

INDEX BUREAU
RECD.
SEP 4 1896
DEPT. OF STATE

Mr. Denby Jr. to the
Secretary of State. Answd. Sept. 17.

Subject

Chinese students of languages.

Synopsis

China sending four students of languages to each of the countries England, France, Russia and Germany and none to the United States. Mr. Denby thinks that four should be sent to Washington also.

No 2569.

Legation of the United States.

Peking, July 25th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform you that, during last spring, the Chinese Government selected from the Imperial Tung Wen College sixteen students who are to proceed to England, France, Russia and Germany, four to each country, where they are to reside two years or more, attached to the Chinese Legations in

in those countries, as students of languages. These young men have now left or are about to leave for their respective destinations.

To my informal inquiries as to why four were not also sent to the United States, the Yamën ministers replied that the language of England and the United States was the same hence it was unnecessary to send students to both countries.

While attaching little importance to the apparent slight in overlooking the United States, it is evident that these men will be more than students of languages. They will be observers of the resources and the products

of

of the countries to which they are sent. On their return to China they will enter their official careers with a bias in favor of those nations which they know best and a disposition to advance their interests.

Considering the greatness of American commercial interests now in China and the efforts that are being made to extend them, it seems that our country should have some share in the advantages which may result from these educational missions. The tone of the Yamen leads me to believe that a suggestion to this effect made to them, with your authority, either through

this

this Legation or the Chinese minister at Washington, would be well received. In spite of assurances to the contrary, Chinese officials infer from the exclusion act and the unwillingness to receive Chinese students at West Point, that we would prefer not to have their students of languages amongst us.

Without your instructions I do not feel at liberty to discuss the matter more fully with the Yamên.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim.

ASSISTANT SECRETARY
SEP 16 1896
DEPARTMENT OF STATE.

2D ASSISTANT SECRETARY.
Ack by subject & file.
SEP 16 1896

DIPLOMATIC
SEP 29 1896
BUREAU.

No 2570.

Legation of the United States.

Peking, July 27th, 1896.

INDEX BUREAU
SEP 15 1896
DEPT. OF STATE

Rec'd Oct 5.

Mr. Denby Jr. to the

Secretary of State.

Subject

Proposed increase of import duties

Synopsis

The Shanghai Chamber of Commerce petitions the Diplomatic Corps to protect foreign interests if import duty is revised, and suggests that increase of import duty be accompanied by abolition of lekin.

One enclosure.

No 2570.

Legation of the United States.

Peking, July 27th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to enclose, herewith, a copy of a letter from the Senior Consul at Shanghai to Colonel Denby, Doyen of the Diplomatic Body, covering a letter from the Vice Chairman of the Shanghai Chamber of Commerce in which it is requested that the representatives of the Treaty Powers protect foreign trade when

when making any new Customs
Tariff with the Chinese Government.
The suggestion made in this letter,
viz. "that if the increase of duties
"is conceded to the Chinese Government
"it ought to be on the distinct
"agreement that, the import duty
"once paid, the goods would be
"freed from any further import of
"Lekin or taxes of any nature, no
"matter to what part of the empire
"they might be sent", is analogous
to the suggestion of the Standard
Oil Company reported in a recent
despatch.

In the absence of Colonel Denby,
the Senior Consul's letter has been
handed to the Russian Minister,
next in seniority, for communication

to

to the Diplomatic Corps.

The impression that an attempt is about to be made to revise the import tariff is wide-spread, but no intimation to that effect has yet been given by the Chinese Government to the Foreign Representatives.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'affaires ad interim.

Enclosure:

The Senior Consul, Shanghai, to Colonel Denby, July 7th, 1896.

Enclosure in No 2570

Shanghai, 7th July, 1896.

S No 55.

Sir:

I have the honor in conforming myself to a resolution passed at a recent meeting of the Consular Body to forward to Your Excellency copy of a letter addressed to me by the Vice Chairman of the Shanghai Chamber of Commerce under date of June 10th last - In this letter the Chamber of Commerce refers to the reported intention of the Chinese Government to obtain the consent of the Treaty Powers to an increase of the duties levied on foreign import and begs that the Representatives in China of the Foreign Powers will thoroughly

To His Excellency
Colonel Denby
Doyen of the Diplomatic Corps,
Peking.

protect foreign trade when making any new Customs tariff with the Chinese Government.

I have the honour to be,
Your Excellency,
Your obedient servant,
[Sig'd] O. Stuebel
Consul-General for Germany.

Shanghai General Chamber of Commerce.

Shanghai, June 10th, 1896.

Copy
No. 1099.

Sir:

The Hongkong Chamber of Commerce has forwarded to this Chamber a copy of a letter they addressed to the British Minister, on the 16th May, concerning the attempt which the Chinese Government will probably make before long to obtain the consent of the treaty powers to an increase of the duties levied on foreign import from five to eight per cent ad valorem.

The question has already occupied the attention of this Chamber and the Committee are agreed that under

Dr O. Stuebel,
Consul General for Germany and
Senior Consul.

certain conditions some increase in the duties would not be detrimental to trade by foreigners. The Hongkong Chamber and this Chamber are in agreement as to these conditions, namely, that if the increase of duties is conceded to the Chinese Government, it ought to be on the distinct agreement that the import duty once paid, the goods would be freed from any further import or lekin or taxes of any nature, no matter to what part of the empire they might be sent, and it would be absolutely necessary that the Chinese Government should give very sufficient and undeniable guarantees that this agreement would be carried out in all its integrity.

The Consular and Diplomatic Bodies are thoroughly aware of the almost daily difficulties which occur through the illegal imposition of lekin, and the impossibility of obtaining redress for illegal

exactions

exactions from provincial authorities, so that this Chamber respectfully begs that the representatives in China of the Treaty Powers will thoroughly protect foreign trade when making any new Customs Tariff with the Chinese Government.

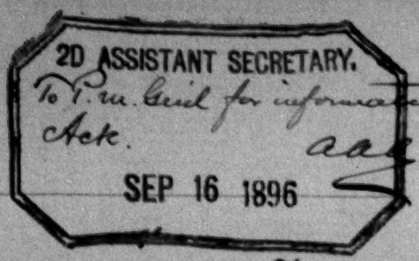
I have the honor to be,

Sir,

Your obedient servant,

[Sig'd] C. J. Dudgeon

Vice Chairman.



No. 257.

Legation of the United States.

Peking, July 31st, 1896.

DIPLOMATIC
SEP 28 1896
BUREAU.

Mr. Denby Jr. to the

Secretary of State.

To P.M.G. Sept 29.
Ack'd Sept 29

Subject

New telegraph convention.

Synopsis

The cable companies and the Chinese land lines have made a convention fixing the rate for telegrams from Shanghai to Europe at seven francs per word instead of Mex $2.

No. 2571.

Legation of the United States.

Peking, July 31st, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform you that a convention has recently been concluded between the Great Northern Telegraph Company of Denmark, the Eastern Extension, Australia and China Telegraph Company, of London, and the Imperial Chinese Telegraph Administration, for the readjustment of the rate

for

for messages from China to foreign countries. This convention has already been signed by the Russian Minister, on behalf of the Danish Company, and by the Chinese authorities. It awaits the signature of the British Minister to go into effect.

The negotiation of this convention has been so secretly conducted that its provisions are not generally known. By an agreement concluded between the Great Northern Company and the Chinese Telegraph Administration in 1892, it was determined that the rate from Shanghai to Europe should be eight francs fifty centimes per word, and that the Mexican

dollar

dollar should be received at the fixed rate of four francs twenty five centimes, making the rate two dollars Mexican per word from Shanghai to Europe. The fall in exchange in recent years has, however, brought the value of the dollar far below these figures. Bank bills on demand on France were quoted at Shanghai, on the 10th instant, at the rate francs 3.82 per tael or 2.674 per Mexican. Thus it happens that to telegraph from Shanghai to London costs little over half what it costs to telegraph from London to Shanghai, because the London rate continues eight francs fifty centimes payable in gold. The

merchants

merchants in China have
pushed their advantage to the
utmost by prepaying their
answers in Mexicans. The
purpose of the recently
concluded convention is to
abrogate the fixed value of the
Mexican and return to a gold
basis. As compensation for the
increased cost of telegraphing
from Shanghai that this will
involve, the rate per word for
messages both to and from
Europe is to be reduced to
francs seven.

Though the effect of this
convention will be to greatly
increase the cost of telegrams
from China abroad, no remonstrance

thereto

thereto has been made by the mercantile community and the British Government favors the convention.

Guided by the attitude of this Legation towards the proposed convention of 1889, I have carefully watched these negotiations. I have not, however, felt justified in offering a protest thereto. The convention of 1889, in its original form, was protested against by this Legation because it involved a restriction of the right of other companies, if hereafter organized, to land cables in China. This point is not now involved. The effect of the convention will

Simply

simply be a readjustment of rates rendered necessary, the companies claim, by the great fall in the value of silver.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Chargé d'Affaires ad interim.

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

No. 2571

Legation of the United States,

Peking, August 10th, 1896.

INDEX BUREAU
SEP 28 1896
DEPT. OF STATE.

DIPLOMATIC
SEP 28 1896
BUREAU.

Mr. Denby to the

Secretary of State.

Sept 28/96

Subject:

Minister's return to China.
Accident on the Peiho.

Synopsis:

Reached Chefoo August 1st;
Peking August 10th. Resumed
charge. House boat capsized
in Peiho. Account of the
accident.

No. 257 1/2

Legation of the United States,
Peking, August 10th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that I did not avail myself longer than up to the 21st ultimo of the extension of leave that you kindly granted me.

I was advised by my physician that I was nearly cured and could with safety return to China.

I

I accordingly left Yokohama the 21st ultimo on a ship bound for Kobe, and trans-shipped at that port for Tongku, China. I arrived at Chefoo the first instant, and notified the Chargé d'Affaires of my arrival by telegram. I resumed my official duties at Chefoo the first instant. I arrived at Peking this day.

In this connection I beg to express my approval of the manner that the Chargé d'Affaires discharged his onerous duties during my absence.

I beg to mention a matter personal

personal to myself lest you
may have heard exaggerated
accounts thereof.

The Peiho river was very high.
It was impossible to ascend
it toward as usual by men,
because the tow-path was
under water. The Viceroy
kindly tendered the use of his
steam launch, a courtesy
which he often extends to foreign
Ministers, to tow my two
house-boats up the river.

We left Tientsin under
favorable auspices the 7th
instant, and proceeded
safely up the swollen river
until Saturday the 8th instant,
when we were about thirty
miles

miles from Tungchu. At 10 A. M. of that day I was sitting at the front of the cabin. My wife was a few feet behind me. The launch reached a projection in the river, which at that place was exceedingly narrow, rounded the projection and turned to the left towards the center of the stream. The house-boat violently struck the land, and immediately capsized, going nearly bottom side up. The water poured in. My wife was submerged, but came to the surface, and caught on the side of the boat, and hung there

there. The water came nearly to my neck. I turned immediately to look for my wife, and called to her to get back on the kang, which is raised about three feet above the bottom of the boat. She said she could not move. My servants and the men on the boat, which was lying toward behind our boat, jumped instantly on the upturned bottom of our boat, and tore away the window frames on the side of the boat. My wife managed to extend her hand to these men and was pulled through the windows, and on top of the hull of

the

the boat. Thence she jumped into the water, which was up to her neck, and waded ashore. The men then turned their attention to me. The water was pouring in. I at first thought of getting out into the river through the front of the cabin, but I doubted my capacity to save myself in the flood. I concluded to endeavor to reach the hands which were stretched towards me through the windows, and by getting on a floating table, which aided me a little, I managed to reach the hands of the men with one of mine, and was dragged by main

strength

strength up through the
windows and on top of the
hull. Thence I slid into
the water up to my neck
and waded ashore. My clothes
and the most of those of
my wife were in our boat,
and some of them were
submerged two or three
hours. Everything was
soaked with muddy water.
I had nothing to wear until
I got a Chinese coat and
pair of trousers. On the other
boat I finally found one suit
of flannel. We left the
submerged boat and the
other boat at the place of the
accident, and embarked on
the

the launch. We reached
Jungdeo yesterday.

Our losses are considerable.
Clothes, papers and many
other things are missing,
and every thing is greatly
damaged.

When the sunken boat is
raised some of these things
may be found, but they
will be ruined.

I have exonerated the crew
of the launch from blame, as
I believe that the crew of our
boat ought to have fended
it off at the projection above
mentioned, but I do not
wish to condemn the house
boat crew unheard.

I

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

confirmed Aug 11, 1896

TELEGRAM RECEIVED. Cipher

From Peking

August 11, 1896.

Received M.

Olney

Washington.

Yamen informs [me] Li Hung Chan is the bearer of letter Emperor of China to the President of the U.S. Will advise the date of arrival from London.

Denby

No. 2572. DIPLOMATIC BUREAU. SEP 28 1896

ASSISTANT SECRETARY SEP 28 1896 DEPARTMENT OF STATE.

INDEX BUREAU RECD. SEP 28 1896 DEPT. OF STATE

Legation of the United States,

Peking, August 11th, 1896.

Mr. Denby to the

Secretary of State.

Subject:

Li Hung Chang's visit to the United States.

Synopsis:

The Yamen requests me to inform the Department that Li is the bearer of a letter from the Emperor to the President.

No. 2572.

Legation of the United States,
Peking, August 11th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to confirm on the overleaf my cipher telegram of this date announcing that the ex Viceroy Li is the bearer of an imperial letter to the President. This information was conveyed to me yesterday in a personal interview with the Ministers of the Yamen and I was requested to forward

it

it to you.

The purport of the Emperor's letter is to thank the President for the services of the officials of the United States to China during the war.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Telegram.

Yamen informs Li Hung-chang is the bearer of letter Emperor of China to the President of the United States. Will advise the date of arrival from London.

2573

DIPLOMATIC
SEP 28 1896
BUREAU.

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

No 2573.

Legation of the United States.

Peking, August 11th 1896.

INDEX BUREAU
RECD.
SEP 28 1896
DEPT OF STATE

Mr. Denby to the

Secretary of State.

File

Subject Appl. Bnd. Acks
Chief Clerk
The Telegraph Convention

Synopsis

The convention between the Chinese Administration and the cable companies was signed and went into effect August 1st. The new tariff increases rates nearly 50 per cent.

№ 2573.

Legation of the United States.

Peking, August 11th 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

Refering to this Legation's despatch № 2571, of the 31st ultimo, I have the honor to report that the telegraph convention therein alluded to was signed by the British Minister, on the 1st instant, and the increased rates went at once into effect.

The rate from Peking to Europe, formerly $2.00 Mexican per

per word, becomes $2.75; to New York, formerly $2.35, becomes $3.25; to California, formerly $2.50, becomes $3.51. The rates on messages between Shanghai and Hongkong and other ports south are almost doubled.

As soon as the necessary preliminary arrangements can be made, the rate from China to Europe is to be reduced to seven francs per word, and proportionately for other places, and the rate in Mexicans is to be revised from time to time, as exchange varies, to conform to this rate in gold.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

No 2574

Legation of the United States.

Peking, August 11th 1896.

DIPLOMATIC BUREAU
RECD.
SEP 28 1896
DEPT OF STATE

Mr. Denby to the

Secretary of State.

Subject

The Kiangyin riot

Synopsis

Acknowledges despatch No 1290 enclosing Admiral McNair's report thereon -

No 2574.

Legation of the United States.

Peking, August 11th 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatch No 1290, of the 20th June, enclosing copies of correspondence between Admiral McNair and the Secretary of the Navy, concerning an uprising against American missionaries at Kiangyin.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

file

No. 2575

DIPLOMATIC BUREAU.
SEP 28 1896

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
SEP 28 1896
DEPT. OF STATE

Legation of the United States,

Peking, August 11th 1896.

Mr. Denby to the

Secretary of State.

Subject:

Requisition for stationery.

Synopsis:

Stationery received.

No. 2575

Legation of the United States,
Peking, August 11th 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In acknowledgment of your despatch No. 1288. of the 11th June, I have the honor to state that the articles for which requisition was made on October 10th last reached this Legation on the 21st June.

The articles requested in the second requisition are not

not yet at hand.

I have the honor to be,

Sir,

Your obdient servant,

Charles Denby

DIPLOMATIC
SEP 28 1896
BUREAU.

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

No 2576

Sept. Pmd
File

Legation of the United States.

MAIL & RECORD BUREAU
RECD.
SEP 28 1896
DEPT. OF STATE

Peking, August 13th 1896.

Mr. Denby to the

Secretary of State.

Subject

The American Trading Co's Claim.

Synopsis

This claim has been presented to the Tsungli Yamên.

One enclosure.

No 2576.

Legation of the United States.

Peking, August 13th 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In acknowledgement of your instruction No 1289, of June 12th last, I have the honor to state that I have this day presented to the Yamen the claim of the American Trading Company against China for losses arising from enforced deviation of their chartered steamers in the autumn of 1894.

A

1

A copy of my despatch to the Yamên is herewith enclosed and you will be advised of their reply thereto.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

Mr. Denby to the Tsungli Yamên,

No 20 August 13th 1896.

Enclosure in No 2576.

COPY.

Mr. Denby to the Tsungli Yamen.

No 20 Aug. 13. 1896.

Your Highness and

Your Excellencies:-

In obedience to the instructions of the Honorable Secretary of State, I have the honor to present to you a claim of the American Trading Company, at Shanghai, for the sum of $3083.63 and interest thereon.

As will be more fully seen from the enclosed copy of the American Trading Company's petition to the Honorable Secretary of State, this claim arose as follows:

On the outbreak of war between China and Japan in 1894, the Government of China published an order forbidding the export of beans and other articles from China. On the 24th day of October 1894, this prohibition, as applied to beans and beancake, was rescinded, and a notification to this effect was published by the Commissioner of Customs on the Customs bulletin at Shanghai. Acting on this notification, the American Trading Company chartered two German steamers which they despatched to Newchwang, to load with beans for shipment to Kobe, Japan. When the steamers were prepared to sail, application was made to the Superintendent of Customs for a certificate of clearance to Kobe, in accordance with Customs usage and the treaties with foreign powers. The Superintendent of Customs, however, positively refused to issue such certificate and would only consent to clear the vessels for Shanghai. They were accordingly compelled to proceed to Shanghai

Amendment. They were accordingly compelled to proceed to Shanghai

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with pass for shipment to Kobe, Japan. When the steamers were

be two German steamers which they despatched to Newchwang, to load

acting on this notification, the American Trading Company charter-

the Commissioner of Customs on the Customs bulletin at Shanghai.

rescinded, and a notification to this effect was published by

1894, this prohibition was withdrawn as peace and permanke. was

peace and other articles from China. On the 8th day of October

government of China published an order prohibiting the export of

On the outbreak of war between China and Japan in 1894, the

.YTOD

Enclosure No. 1 to Report No. 1.

No. 74. Dated 6th December 1894.

Hong Kong and

Canton Enclosure:-

In obedience to the instructions of

the Honorable Secretary of State, I have the honor to transmit to

you a claim of the American Trading Company, at Shanghai, for the

sum of $3883.83 and interest thereon.

As will be more fully seen from the enclosed copy of the

American Trading Company's petition to the Honorable Secretary

of State, this claim arose as follows:

Shanghai in order to obtain clearance papers for Japan.

By reason of this act of the Superintendent of Customs, the steamers were, one four days and one six days, longer en route than they would have been if they had gone direct from Newchwang to Kobe. For this extra time the American Trading Company was compelled to pay the owners of the two steamers $150 per day, each, amounting for the two steamers to fifteen hundred dollars, and were compelled to reimburse them for 65 1/2 tons of extra coal burned, costing $616.13, as well as for pilotage in and out of the port of Shanghai to the amount of $271.99. These sums, together with the cost of additional insurance and charges for telegrams, for consular and other fees, in which the American Trading Company was involved because of this forced deviation to Shanghai, amounted, on February 29th last, including interest to that date, to $3080.63, to which must now be added interest at 7% until the date of payment.

All this loss is directly and exclusively due to the illegal and improper action of the Superintendent of Customs at Newchwang in refusing to clear the ships to Kobe, in disregard of the notification published at Shanghai, and, as directed by the Honorable Secretary of State, I present the claim to you and request payment thereof.

I have etc.,

[Sig'd] Charles Denby-

Shanghai in order to obtain clearance papers for Japan.

By reason of this act of the Superintendent of Customs,

the shipper now has one less day and one six days' longer on Yoko-

hama than they would have been if they had come direct from Newchwang

to Kobe. For this extra time the American Trading Company was

compelled to pay the owners of the two steamers $120 per day.

each, amounting for the two steamers to fifteen hundred dollars,

and were compelled to reimburse them for 20 L\S tons of extra

coal burned, costing $810.51, as well as for bringing in and out

of the port of Shanghai to the amount of $252.00. These sums,

together with the cost of additional insurance and charges for

forwarding, for consular and other fees, in which the American

Trading Company was involved because of this forced deviation to

Shanghai, amounted, on February 28th last, including interest at 7%

that date, to $3080.03, to which must now be added interest at 7%

until the date of payment.

No 2577.

File

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

Legation of the United States.

INDEX BUREAU
HEDQ.
SEP 28 1896
DEPT. OF STATE

Peking, August 13th 1896.

Mr. Denby to the

Secretary of State.

Subject

Prevention of Collisions at Sea.

Synopsis

The Chinese Government has been asked to give its adherion to the U.S. act of 1890 on this subject.

One enclosure.

No 2577.

Legation of the United States.

Peking, August 13th 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In acknowledgement of your unnumbered despatch of the 22nd June last, directing this Legation to ascertain whether China will accept recent amendments to the Act of 1890, for the prevention of collisions at sea, I have the honor to state that I have this day addressed the Tsungli Yamên

1

7

on

on the subject and that I will promptly advise you of their reply.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure:

Mr. Denby to the Tsungli Yamen
No 19 August 13th 1896.

Enclosure in No 2577.

Mr. Denby to the Tsungli Yamen.

No 19. Aug. 13. 1896.

Your Highnesses and

Your Excellencies:

On the 27th day of October, 1890, I had the honor to transmit to Your Highnesses and Your Excellencies a certified copy of an Act of Congress entitled An Act to Adopt Regulations for Preventing Collisions at Sea, approved August 19th, 1890, and I asked you to inform me of the disposition of your Government with regard to it.

To this despatch you replied on the 15th January, 1891, discussing with approval the report of your delegates to the Marine Conference held at Washington, in 1889, and stating that it was right and proper that China should consider the question of adopting rules for navigation that could be carried into operation for a long period of time.

On the 16th November, 1894, I again wrote Your Highnesses and Your Excellencies, stating that the Governments of the United States, France and Great Britain had agreed upon the 1st March, 1895, as the date for putting into operation their laws for the prevention of collisions at sea, in accordance with the recommendations of the Conference at Washington in 1889. In this despatch I requested you to adopt these rules and I pointed out the importance of this measure for the ships which ply in Chinese waters. You replied on the 24th of January, 1895, saying that you had referred the question to the Inspector General of Customs, who had reported that it would be difficult to give notice for the enforcement of these rules by the 1st March, 1895, and who gave

Your Excellencies:

I have the honor to transmit to Your Excellencies a certified copy of an Act to Adopt Regulations for Preventing Collisions at Sea, approved August 19th, 1890, which I asked you to inform me of the disposition to be made of the same after the entertainment of these Rulers by the 1st March, 1891, and who has reported that it would be difficult to give notice to any ship now at sea.

I have the honor to be, with the highest consideration, Your Excellencies' most obedient servant,

[illegible]

Secretary of State.

To His Excellencies

Your Excellencies and

Gentlemen:

On the 15th day of October, 1890, I had the honor to transmit to Your Excellencies a certified copy of an Act of Congress entitled "An Act to Adopt Regulations for Preventing Collisions at Sea," approved August 19th, 1890, and I asked you to inform me of the disposition to be made of the same after the entertainment of these Rulers by the 1st March, 1891, and who has reported that it would be difficult to give notice to any ship now at sea. In fact the recommendations of the Conference at Washington in 1889. In fact I have the honor to transmit to Your Excellencies and Gentlemen, as the date for putting into operation [illegible] for the prevention of collisions at sea, in accordance with the recommendations of the Conference at Washington in 1889. In fact I have the honor to transmit to Your Excellencies and Gentlemen, as the date for putting into operation [illegible] for the prevention of collisions at sea, in accordance with the recommendations of the Conference at Washington in 1889. In fact I have the honor to transmit to Your Excellencies and Gentlemen, as the date for putting into operation [illegible] for a long period of time.

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On the 15th November, 1891, I again wrote Your Excellencies and Your Excellencies, stating that the Governments of the United States, France and Great Britain had agreed upon the 1st March, 1892

who gave it as his opinion that China should wait awhile before adopting them.

Before the date for putting these rules into force, viz March 1st, 1895, had arrived, it was found necessary to make some modification thereof, and the Congress of the United States, by an Act approved on the 23rd February, 1895, postponed their enforcement. A proclamation of the President of the United States to this effect was issued on the same date, of which proclamation a copy was communicated to you on the 18th April following, receipt whereof was acknowledged by you on the 24th of the same month.

I have now the honor to state that I am in receipt of a despatch from the Honorable Secretary of State, dated June 22nd last, directing me to present to you a copy of an Act approved on the 10th day of June last. This Act amends article fifteen of the Act of 1890, in such a manner as to place the Governments of the United States, Great Britain and Germany in accord. It is the wish of the President of the United States to issue his proclamation, in accordance with Section 2 of this Act, naming July 1st, 1897, as the day for putting the same in force. It is believed that this will afford ample time for all foreign governments that wish to do so to prepare and promulgate identic rules to take effect on the same day.

I am instructed to inquire whether the Government of China will accept the said law and amendments and whether it will proclaim, as is suggested, July 1st, 1897, as the date for giving effect thereto.

I have etc., [Sig'd] Charles Denby.

[Copy of Act approved June 10, 1896, enclosed in English text.]

who gave it as his opinion that China should wait awhile before adopting them.

Before the date for putting these rules into force, viz March 1st, 1898, had arrived, it was found necessary to make some modification thereof, and the Congress of the United States, by an Act approved on the 23rd February, 1899, postponed their enforcement. A proclamation of the President of the United States to this effect was issued on the same date, of which proclamation a copy was communicated to you on the 18th April following, receipt whereof was acknowledged by you on the 24th of the same month.

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I am instructed to inquire whether the Government of China will accept the said law and amendments and whether it will proclaim, as is suggested, July 1st, 1897, as the date for giving effect thereto.

[Copy of Act approved June 10, 1898, enclosed in English text.]

COPIED FOREIGN RELATIONS.

DIPLOMATIC BUREAU SEP 28 1896

ASSISTANT SECRETARY SEP 28 1895 DEPARTMENT OF STATE

No. 2578

Legation of the United States,

Peking, August 13th, 1896.

INDEX BUREAU RECD. SEP 28 1896 DEPT OF STATE

Mr. Denby to the

Secretary of State. ✓ Acted Sept 29

Dupl. Pond

Ack'd

Subject:

The Kiangyin case.

Synopsis:

Yamên cannot show clemency.

No. 2578.

Legation of the United States,
Peking, August 13th 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D. C.

Sir:

The uprising against the American missionaries at Kiang-yin was reported to the Department in this Legation's despatches No. 2533 and No. 2536 of the 23rd and 29th May respectively, and the settlement of said case was reported to the Department by Consul Jones in a despatch of the 24th

24th ultimo, a copy of which was forwarded by Mr. Jones to this Legation.

After sentence had been pronounced upon Huan Chi Yao, Chen Ling-long and Tsiang Suk-chu as reported by Mr. Jones, certain American missionaries, Messrs Haden and Little, stated to the United States Consul General at Shanghai that there were grave doubts as to the guilt of the said Tsiang and suspicions that his confession had been obtained by torture. On behalf of the American missionaries and with a view to prevent an unjust execution

Mr.

Mr. Jernigan wrote this Legation with the view to obtain a rehearing of Tsiang at which hearing should be present a competent foreign interpreter of the Chinese language. Mr. Jones on the other hand maintained the guilt of Tsiang and denied the use of torture except that he was compelled to kneel on chains as is often done in criminal courts in China.

The Chargé d'Affaires of this Legation discussed this matter twice with the Yamên with a view to ascertaining if a retrial of Tsiang were practicable. The ministers of the Yamên stated that they, themselves, had

had instructed the provincial authorities to deal severely in this case and that they could not consent to revise their finding. They stated further that they were compelled to act with the utmost vigor in order to protect the Government of China from the consequences of missionary riots. They deprecated the attempt of the missionaries to defend Chinese convicted after fair trial and, while asking that no objection to the execution of the sentence be offered by this Legation, they stated that they would not consent

to

to any alteration or reconsidération of the verdict.

I have informed the Consul General and Mr. Jones of the Yamên's attitude and have stated to them that this Legation is not at liberty to take further action in the premises.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

COPIED. FOREIGN RELATIONS.

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
SEP 29 1896
DEPT OF STATE

No 2579.

Legation of the United States.

Peking, August 20th 1896.

Mr. Denby to the

Secretary of State.

Subject

Missionary claims in Szchuan.

Synopsis

The claim referred to in Department's No 1301 is the Baptist Missionary Union's claim which has now been paid.

No 2579.

Legation of the United States.

Peking, August 20th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In acknowledgement of your despatch No 1301, of the 13th ultimo, I have the honor to state that the claim refered to as still pending, in the Chinese Minister's note of the 8th July, copy of which is enclosed in the above despatch, is the claim of the American Baptist Missionary Union, payment of which has heretofore been reported

to

to the Department.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

No 2580.

7th

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

Legation of the United States.

INDEX BUREAU
REC'D.
SEP 28 1896
DEPT OF STATE

Peking, August 20th, 1896.

Mr. Denby to the

Secretary of State.

Subject

The United States Consul at Chefoo.

Synopsis

Under Department's telegraphic instructions Mr. Denby has asked provisional recognition of John Fowler as consul.

No. 2580.

Legation of the United States.

Peking, August 20th, 1896.

To the Honorable

Richard Olney.

Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of the telegram of Hon. W. W. Rockhill, Acting Secretary of State, of the 18th instant, as follows:

"Denby Minister, Peking:

"Ask provisional recognition

"John Fowler Consul at Chefoo

"Commission mailed.

"Rockhill, Acting"

I

In pursuance of this instruction,
I have made an application to the
Tsungli Yamen to recognize
provisionally Mr. Fowler as United
States Consul at Chefoo, and to
issue instructions by telegraph to
the local officials to receive and
treat him officially as consul.
I have, also, under Section 46,
Consular Regulations 1888,
authorized by telegraph Mr. Fowler
to immediately assume the duties
of his office.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

2581

No 2581

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE.

Legation of the United States,
Peking, August 21, 1896.

INDEX BUREAU
RECD.
SEP 28 1896
DEPT. OF STATE

Mr. Denby to the
Secretary of State.

T. M

Subject:
Acknowledgment of despatches.

No 2581

Legation of the United States,
Peking, August 21, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches Nos 1293, 1294, 1295 of July 6th; 1296 of July 7th; 1297 of July 9th; 1298 of July 10th; 1299 of July 11th and 1300, 1301 of July 13th.

I have the honor to be,
Sir,
Your obedient servant,

Charles Denby

ASSISTANT SECRETARY
OCT 6 1896
DEPARTMENT OF STATE

No 2582.

DIPLOMATIC
OCT 6 1896
BUREAU.

Legation of the United States.

INDEX BUREAU
RECD.
OCT 6 1896
DEPT. OF STATE

Peking, August 22nd, 1896.

Mr. Denby to the

Secretary of State.

Subject

Irregularities in passport applications.

Synopsis

Legation will rectify the errors mentioned in Department's No. 1299 and exercise more care in future.

№ 2582.

Legation of the United States.

Peking, August 22nd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatch №1299, of the 11th ultimo, concerning irregularities in passport applications. This Legation regrets the clerical omission in failing to number the applications, but begs to call attention to the fact that the numbers are set forth in the

statement

statement of passports forwarded therewith.

The application for a passport for Hannah Bance came with several others at the same time from Chinkiang, and, in reliance on the consul's accuracy, a passport was issued without sufficient examination thereof. The bearer will be required to surrender her passport and to renew her application therefor which, if not in due form, will be rejected.

I regret the carelessness in this instance and shall hereafter subject applications to a rigid scrutiny.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

ASSISTANT SECRETARY
OCT 6 1896
DEPARTMENT OF STATE.

file

DIPLOMATIC
OCT 6 1896
BUREAU.

No 2583.

INDEX BUREAU
RECD.
OCT 6 1896
DEPT. OF STATE.

Legation of the United States.

Peking, August 22nd, 1896.

Mr. Denby to the

Secretary of State

Subject

Error in a passport application.

Synopsis

In reply to Department's No. 1300 the Legation explains the circumstances under which a passport was issued to Archibald McLean.

№ 2583.

Legation of the United States.

Peking, August 22nd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatch № 1300, of the 13th ultimo, concerning a passport issued to Archibald Mc Lean, apparently without the production of his naturalization papers.

The Consul General, in filling up Mr. Mc Lean's application, used a "native" form, making

necessary

necessary modifications therein but failing to insert the statement as to date of naturalization and certificate thereof as in forms for naturalized citizens. It was thought that Mr. Mc Lean and witness having sworn to his naturalization and having satisfied the Consul General regarding it, the above omission in the form might be disregarded.

In future no application will be acted on unless on the form adapted to the status of the applicant as naturalized or native.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

OCT 6 1896
DEPARTMENT OF STATE.

DIPLOMATIC
OCT 6 1896
BUREAU

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RECD.
OCT 6 1896
DEPT. OF STATE

No. 2584

Legation of ~~the~~ United States.

Peking, August 24th, 1896.

Mr. Denby to the

Secretary of State.

Rec'd Oct 8/96

Subject:

Explanation of items in Contingent account.

Synopsis:

Mr. Denby explains items mentioned in Department's despatch No. 1294, of July 6th, 1896.

No. 2584

Legation of the United States,
Peking, August 28th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of the Department's despatch No. 1294, of July 6th, 1896, addressed to the Chargé d'Affaires by Honorable W. W. Rockhill, Acting Secretary.

He therein asks an explanation of the following items in my statement of the contingent expenses

expenses of this Legation for the quarter ending March 31st, 1896. viz Subscription to Fire Company; Lights for Office; Office lamp, and covering furniture in Minister's house.

I take up these items seriatim.

Subscription to Fire Company.

The Government owns valuable personal property here, consisting of furniture, books etc.

There is no authority to insure such property. The Chinese organized, in 1893, a fire company with its station on the same block on which is located the Legation. A subscription paper was circulated to which,

I

I believe, all the foreign ministers subscribed. I subscribed officially fifteen dollars (Mexican) payable annually, which I have paid every year since 1893.

Last winter certain great straw stacks contiguous to the Legation caught fire. This Company did good work in preventing the spread of the fire to the houses in the Legation. It is proper to state that my own personal property constitutes a very small part of the property in the Legation. In making such subscriptions it occurred to my Colleagues and myself that our action would tend to produce good feeling towards

towards foreigners among the Chinese, besides securing a certain measure of protection against loss by fire.

Lights for Offices.

This charge is for oil burned in the offices, and also in a lamp in front of the office building, and for one burning at the gate, and in the gate keepers room.

The First Secretary and the Interpreter have the same benefit of the lights in the compound that I have - as have all visitors.

Office lamp.

This lamp was bought for the use of my office. I occupy this

this office habitually from dark until 8 o'clock the year round, and am often in it till late at night.

Covering furniture in Ministers house.

There is a great deal of furniture in the Legation belonging to the Government. It must either be repaired and covered with new material from time to time or thrown away. I have thought it my duty to preserve such property, whether used by me personally, or by others. The charge cited was incurred for covering with silk a sofa and some chairs belonging to the Government, used in the Reception room.

In

In this connection I beg to call attention to the despatch of Secretary Bayard No 30, of December 22, 1885, wherein he holds that the Reception room in the Minister's house is a public room.

The despatch under acknowledgment states that the Department "desires an "explanation regarding the New "Year's gratuity of ten Mexican "dollars to the Chinese writer." The accountant denominates this payment as a "gratuity". It is really not a gratuity at all but a payment of wage money. It is the universal and very old custom in China to pay all

servants

servants, public and private, half
a month's wages extra at the
Chinese New Year and this
custom enters into their
contracts by tacit consent.
I did not originate the
payment of ten dollars Mexican
at the Chinese New Year to the
Chinese writer. This sum has
been paid since the Legation
was established, and always
reported and never objected to.
The Chinese writer has been in
our service twenty years.
I venture to hope that after
this explanation you will
authorize this very small sum
to be paid to him as heretofore.
I can have it included
hereafter

hereafter in the wages of the writer - where it properly belongs.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

No 2585

COPIED FOR FOREIGN RELATIONS
ASSISTANT SECRETARY OCT 6 1896 DEPARTMENT OF STATE
INDEX BUREAU RECD. OCT 6 1896 DEPT. OF STATE

No 2585

Legation of the United States,

Peking, August 27th, 1896.

DIPLOMATIC OCT 6 1896 BUREAU.

Mr. Denby to the

Secretary of State.

To Treasury
Given to press Oct 7.
Artcl.

Subject:

The opening of Shashih, Chungking, Soochow and Hangchow.

Synopsis:

Yamen states they will be opened at an early day - Soochow and Hangchow the 26th proximo.

No. 2585.

Legation of the United States,
Peking, August 27th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to
enclose a translation of a
communication from the
Tsungli Yamen, wherein it
informs me that under the
6th Article of the Shimonoseki
Treaty, Shashih, Chungking,
Soochow and Hangchow are
to be opened as treaty ports,
and that regulations will
be

be drawn up later.

The ports of Soochow and Hangchow shall be opened the 26th Proxims.

I have sent a copy of this communication to the Consul General and have instructed him to notify American merchants of the contents thereof.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

The Tsungli Yamên to Mr. Denby.

No. 31. August 23rd, 1896.

Enclosure in No. 2585.

The Tsungli Yamen to Mr. Denby.

No.31 Peking, August 23rd, 1896.

YOUR EXCELLENCY,

By the 6th article of the Shimonoseki Treaty between China and Japan, Shashih, Chungking, Soochow, and Hangchow are to be opened as Treaty ports. A time will be fixed for the opening of Customs Houses at those ports, so that trade may be carried on. As to Chungking and Shashih regulations will be drawn up later.

The Inspector General of Customs has been instructed to order the Commissioner at Shanghai, Soochow, and Hangchow, to draw up regulations at once for the governing of trade at those ports.

After the regulations have been considered by the Yamen, a further communication will be sent to Your Excellency.

The Yamen have decided, however, that the ports of Soochow and Hangchow shall be opened on the 26th September next.

The Yamen requests that Your Excellency will instruct American merchants that they must not carry on trade at those ports until the Customs have been duly established.

ports.

After the regulations have been considered by the Xmen, a
uniform communication will be sent to your Excellency.

The Xmen have decided, however, that the ports of Scoodom
and Hoggamoo shall be opened on the 30th September next.

The Xmen request that your Excellency will instruct Mas-
ters of Customs Houses at these ports that they must not carry on trade at those ports
until the Customs have been duly established.

The Inspector General of Customs has been instructed to
order the commissioner at Shanghai, Scoodom, and Hoggamoo, to
carry on trade at those ports provisionally in accordance with
the regulations at once. The Inspector General of Customs
will be instructed to issue all necessary instructions.

BY the 6th article of the Anticonsext Treaty be-
tween China and Xmenland, Scoodom, and Hoggamoo are opened to
the trade of Xmenland ports. A duty will be fixed for the
purpose of Customs Houses at these ports, so that trade may be
carried on. As to Shanghai, these regulations will be
uniform duty.

The Inspector General of Customs has been instructed to
order the commissioner at Shanghai, Scoodom, and Hoggamoo, to
carry on trade at those ports provisionally in accordance with
the regulations at once. The Inspector General of Customs
will be instructed to issue all necessary instructions.

YOUR EXCELLENCY.

Peking, August 30th, 1860.

No.21

The Imperial Xmen to Mr. Bowdy.

DIPLOMATIC
OCT 16 1896
BUREAU

2D ASSISTANT SECRETARY.
OCT 14 1896

Rec'd Oct. 17.

No 2586.

Legation of the United States.

INDEX BUREAU
RECD.
OCT 14 1896
DEPT. OF STATE

Peking, August 28th, 1896.

Mr. Denby to the

Secretary of State.

Subject

The American Trading Co's claim.

Synopsis

Encloses answer of Yamên to the demand for payment of said claim and reply of minister contraverting reasons stated for refusal to pay.

Two enclosures.

No 2586.

Legation of the United States.

Peking, August 28th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In my despatch No 2513, of April 20th 1896, I forwarded a copy of the claim of the American Trading Company against the Government of China, for losses sustained by it by reason of the Superintendent of Customs at Newchwang having, in the month of October, 1894, refused to clear certain vessels to Kobe from

from that port.

Your despatch No. 1289, of June 12th 1896, directed the presentation of this claim.

In my despatch No. 2576, of the 13th of August last, I transmitted to you a copy of my communication to the Yamên demanding payment thereof. I enclose, herewith, a translation of the Yamên's answer to my communication, bearing date August 17th 1896. It will be seen that the Yamên refuses for the reasons alleged to pay this claim.

1/2586

I enclose, herewith, a copy of my reply to the Yamên bearing date the 27th instant. In my view the objections to paying

2/2586

paying this claim are untenable. I have presented my reasons for this conclusion in the enclosure. Should any other argument of a similar nature occur to you I would be glad to have the benefit of it.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. The Tsungli Yamên to Mr. Denby
No 27, August 17th, 1896.
2. Mr. Denby to the Tsungli Yamên
No 25, August 27th, 1896.

Enclosure 1 in No. 2586.

The Tsungli Yamen to Mr. Denby.

No.27. Peking, August 17th, 1896.

YOUR EXCELLENCY:

On the 13th instant, the Prince and Ministers had the honor to receive a communication from the Minister of the United States, stating that, in obedience to the instructions of the Honorable Secretary of State, he had the honor to present a claim of the American Trading Company at Shanghai, for the sum of $3,083.63 and interest thereon. (here is inserted in full Minister's communication to Yamen which is set out in his despatch No.2576 of August 13th last.)

The Prince and Ministers would observe that when the said firm chartered the vessels in question to load at Newchwang and applied for a clearance for Kobe, China and Japan were at war. China at the time was overburdened with military affairs. Communication between the North and South was stopped and stringent precautions were taken at all the ports--more particularly at Newchwang.

In the matter of the American Trading Company's application for a clearance of cargoes of beans for Kobe the Customs Taotai at Newchwang could not but exercise extra caution, hence papers were given to the steamers for Shanghai. It was a measure of expediency to meet pressing circumstances. If the said Hong regarded it inconvenient for their steamers to take a round about course there could have been no objection to their making, at the time, a representation to that effect and discussed the matter with the Taotai; but the steamers going to Shanghai show at the time that the circumstances warranted it. But unexpectedly after

The Transmit Memo of Mr. Dennis.

Excellency's Mr. Wilson.

Washington, August 14th, 1880.

SIR:

On the 14th instant, the Prince and Minister had the honor to receive a communication from the Minister of the United States, stating that in obedience to the instructions of the Honorable Secretary of State, he had the honor to present a claim of the American Trading Company at Shanghai for the sum of $3,083.83 and interest thereon. (Note is inserted in LAST Minister's communication to Memo which is not in his despatch No.3870 of August 13th last.)

The Prince and Ministers would observe first when the said claim originated the reasons in question of loss at Newchwang and they ascertained the circumstances mentioned it. But unexpectedly after

after about two years the said firm presents this claim for demurrage which gives rise to fresh complications. China cannot recognize that she is to blame.

The Prince and Ministers have the honor to request the Minister of the United States to communicate this reply for the information of the Hon. Secretary of State.

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recognize that she is to blame.

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ister of the United States to communicate this reply for the

information of the Hon. Secretary of State.

Enclosure 2 in No 2586.

Mr. Denby to the Tsungli Yamen.

No. 25 Peking, August 27th 1896.

Messieur les Ministres:

I have the honor to acknowledge the receipt of your communication of the 17th instant, wherein you refuse to order the payment of a claim of the American Trading Company, which was recently presented to you by this Legation by the direction of the Honorable Secretary of State. I am compelled to state that the alleged reasons given by you for your refusal to pay the amount demanded are all untenable. You do not deny any of the following facts as stated by me to wit: during the recent war China published an order forbidding the export of beans; in October 1894 a notification was published upon the bulletin of the Customs House at Shanghai as follows: "Beans and beancakes may be exported by neutrals as before the outbreak of hostilities" the Trading Company chartered two steamers at Shanghai and despatched them to Newchwang to load with beans for Kobe; the Superintendent of Customs refused to clear these ships for Kobe contrary to the published notice above set out; the ships were compelled to sail for Shanghai and this deviation caused the charterers a loss of $3080.63.

To these undisputed facts you say first that: China and Japan were at war when the matter transpired.

Ordinarily the condition of war would not have prevented neutrals from carrying goods between beligerent ports. See Article 22 of the Treaty of 1844 between China and the United States, and Article 26 of the Treaty of 1858.

Enclosure 2 in No. 2586.

Mr. Denby to the Tsungli Yamen.

No. 457 Peking, August 27 - 1900.

Messieurs les Ministres:

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To these undisputed facts you say first that: China and Japan were at war when the matter transpired.

Ordinarily the condition of war would not have prevented neutrals from carrying goods between belligerent ports. See Article 22 of the Treaty of 1844 between China and the United States, and Article 28 of the Treaty of 1858.

But the order made by China in August 1894 was obeyed and only after the open and notorious publication of the order of October 1894 was made did the claimant undertake to ship beans and beancake to Kobe.

You proceed to state that "China was overloaded with military affairs" "stringent precautions were taken" "more particularly at Newchwang."

Such a condition may possibly have furnished a reason for not issuing an order allowing beans and beancakes to be shipped to Kobe, but surely it furnishes no reason for refusing to abide by such an order as long as it remained unrepealed. You seem further to lay some stress on the delay in presenting this claim. There is no validity in this objection.

Shortly after this affair occurred, November 20th, 1894, I addressed a note to the Inspector General of Imperial Maritime Customs enquiring whether the order of October 1894 above cited applied to Newchwang. Under date of November 29th, 1894 I received an answer from the Inspector General and in reply he informed me "that notifications are never issued by order of the Inspector General unless either under instructions from the Tsungli Yamen or to give effect to views in which it is known to agree, that they are either special or general according to circumstances; and that on this occasion the notification regarding Beans etc was general and applied to Newchwang as well as Shanghai."

It would thus seem that the order in question was known to the Tsungli Yamen. The Inspector General further says: "The Newchwang Customs did not prevent her (the Voerwerts) loading with or exporting Beans, but possibly the Taotai did."

The Inspector General concludes: "Whether the case is one for reparation to be made seems to be a point deserving of further consideration."

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The Inspector General concludes: "Whether the case is one for reparation to be made seems to be a point deserving of further consideration."

Further consideration has been had by the Consul General of the United States at Shanghai, by this Legation, and by the United States Government through the Honorable Secreatry of State, and the fullest examination of the facts and the law has served to make it perfectly clear that the Government of China is liable for this loss suffered by innocent parties.

You further state "if the said Hong regarded it inconvenient for their steamers to take a round about course then there could have been no objection to their making at the time, a representation to that effect and discussing the matter with the Taotai." Such statement and protest were made, as I understand, and were unavailing. Every effort was made to secure clearances for ~~Shanghai.~~ Kobe.

I renew most urgently my demand for the payment of this claim

(signed) Charles Denby

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DIPLOMATIC
OCT 19 1896
BUREAU.

No 2587.

INDEX BUREAU
RECD.
OCT 14 1896
DEPT. OF STATE

Legation of the United States.

Peking, August 29th, 1896.

Mr. Denby to the

Secretary of State.

Rec'd Oct 29.

Subject

Increase in tariff in China is proposed.

Synopsis

Sources of revenue stated. On revision of tariff, lekin and export duties should be abolished.

No 2587.

Legation of the United States.

Peking, August 29th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

It is generally believed in China that an effort has been made by His Excellency Li Hung-chang during his present tour around the world to procure European Governments to consent to the raising of the existing tariff. This tariff will be found at page 15 of the Chronicle and Directory for China and Japan, for 1896.

It

It is probable that His Excellency Li has made overtures of a similar character to you.

For these reasons I offer a few observations on this subject.

China must raise revenues from new sources to meet the payment of the interest on her national debt. This debt now amounts to about two hundred million gold dollars ($200.000.000). It is estimated that the annual demand on the Government for interest and sinking fund is about sixteen million ($16.000.000) Taels. The Customs revenue amounts to twenty one million (21.000.000) taels. Deducting expenses of collecting, there would be left only

only about three million (3-000-000) taels. Additional taxation will be necessary because the Government loses the use of eighteen million taels for its ordinary expenditure.

How this sum shall be raised, whether by an increased tariff or by internal taxation, becomes an important question to foreign trade.

The Customs revenue goes directly to the imperial government.

The tariff is fixed by treaty. To alter it the consent of the foreign powers must be obtained. The treaties may be denounced in 1898. What portion England may take on the question of increasing tariff rates is not known but it is presumed

presumed she will demand some reciprocal concession, the abolition of lekin perhaps, or the restriction of the right to levy taxes at the pleasure of the local officials on foreign goods as soon as they are landed. I am inclined to think that Russia and France will consent to the increase of the tariff, partly in order to injure the chief importer, England, and partly to gain greater favor with China.

Outside of the Customs collections the revenue of China is derived from the provinces. The imperial government makes requisitions on the provinces for certain sums, which

which are paid out of moneys collected by the provincial authorities after their local needs are supplied. In the provinces the principal sources of revenue are the land tax and the salt tax - outside of these there are miscellaneous taxes such as the sale of licenses and especially the lekin tax.

I do not dwell on these matters because they have often been reported to the Department.

No such thing as a budget is known in China. In its place are requisitions made on the provinces in proportion to their wealth. Some pay a great deal and some pay nothing. As is

stated

stated by Mr. Famieson, Her British Majesty's Consul at Shanghai, in a recent report on the Trade and Commerce of Shanghai, from which I have drawn some of these figures, that the land tax, by a fundamental law of the Empire dating as far back as the middle of the last century was fixed once for all and cannot be increased. The salt tax remains but that is heavily burdened with various interests of a vested nature. No doubt the old familiar method of the sale of honors will be largely resorted to.

It is quite probable, also, that the lekin tax will be increased. If the foreign powers are approached

on

on the quertion of increasing the tariff it would seem that rome effort should be made to do away with the lekin tax. This tax is as objectionable to Chinese as to foreigners. It hampers trade and furnishes continual cause of protest and recrimination to foreigners. I think it very desirable that foreign goods should pay no tax except a tariff tax. Export taxes, also, should be removed. They handicap the products of China – especially tea – in the markets of the woreld.

A standard argument in favor of the increase of the tariff is the decrease in the value of siever. It is urged that the rate of five

per

per cent imposed ordinarily would be about eight per cent at the current rate of silver and, therefore, the increase would be more imaginary than real. What effect this argument should have can only be determined by the conditions existing at the time that the tariff revision is proposed.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Consular Bureau

DIPLOMATIC
OCT 15 1896
BUREAU.

No 2588.

Legation of the United States.

Peking, August 29th, 1896.

Mr. Denby to the

Secretary of State.

Subject

Mr. Fowler's exequatur granted.

№ 2588.

Legation of the United States.

Peking, August 29th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

Refering to my despatch № 2580, of the 20th instant, I have the honor to inform you that, under date of the 23d instant, the Yamên informed me that orders had been given for the recognition of Consul Fowler at Chefoo.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Consular Bureau

DIPLOMATIC
OCT 15 1896
BUREAU

No. 2589

Legation of the United States,
Peking, August 29th, 1896.

INDEX BUREAU
RECD.
OCT 14 1896
DEPT. OF STATE

Mr. Denby to the
Secretary of State.

Subject:
Confirms telegram.

Synopsis:
Has applied for recognition
of Mr. Smithers.

No. 2589.

Legation of the United States.

Peking, August 29th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your telegram of the 26th instant as follows:

"Denby, American Legation,

Peking,

Ask

temporary recognition

George F. Smithers

Consul at Chungking.

Commission

Commission forwarded
to-day.

Adel, Acting."

In obedience to this instruction
I applied, yesterday, for the
recognition of Mr. Smithers.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

2D ASSISTANT SECRETARY.
Ack & file
OCT 14 1896

No. 259 DIPLOMATIC
OCT 15 1896

Legation of the United States,

INDEX BUREAU
RECD.
1896
DEPT. STATE

Peking, September 2d, 1896.

Mr. Denby to the

Secretary of State. Ack'd. Oct. 15.

Subject:

Increase of telegraph rates.

Synopsis:

The Cable companies defence set out. A trans-Pacific cable ardently desired.

No. 2590.

Legation of the United States,
Peking, September 2d, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No. 2573 of August 11th, I informed you of the increase that had been made in the rates of telegraphing from China.

This increase has been energetically criticized by the mercantile communities in China. The companies have published a defence of their action of

which

which the salient points are the following.

The rates for telegrams between Europe and China was fixed by the international telegraphic convention from the first July 1896 at 8 francs 50 equal to 7 shillings a word. One half of this charge goes to the other Telegraphic Administrations over whose lines telegrams pass.

The Companies added 15 per cent to the rate in 1893, making it $2.30 because the dollar had receded to 2s 9d.

This rule was maintained until the Chinese route to Europe via Kelampo was reopened in the end of 1895. The Chinese lines

lines charged $2.00 and the companies adopted this charge, although the dollar had dropped to 2s. The gold rate of 8 francs-50 centimes remained in force for outward telegrams so that while a message from England to China paid 7 shillings a word, one from China to England paid 4 shillings. Senders of telegrams took advantage of this to prepay messages, and thus obtained both ways the advantage of silver rates. The $2.00 homeward rate and the 20 cents local rate between Shanghai and Hongkong were fighting rates.

The companies have now come

to

to an arrangement with the Chinese, which all Governments and administrations interested have approved whereby they collect the full silver for their gold rates, thus making the charges equal from both ends. They have at the same time agreed to reduce the gold rates from July 1. 1897 when the rules and regulations adopted at the late Budapest International Telegraph Conference shall come into force, from 8 francs 50 centimes to 7 francs or from 7 shillings to about 5s 9d a word. They are also elaborating a scheme to reduce charges for telegrams

to

to India based upon a uniform charge, of say 15 centimes per 100 miles of cable which will give a rate of about $1.20 a word for telegrams to India and the Straits Settlements against $2.24 and $1.49 respectively.

This resumé, while it sufficiently develops the advantages derived from the change of rates by the Cable Companies, does not at all explain why the Chinese lines acceded to the increase.

Telegrams to Europe and America may be sent over three lines: the Eastern Extension Company, the Great Northern Company and the Chinese

Chinese Telegraph Administration.
The first of these has lines via
Madras, the second via Vladivostock,
but the third is a land line.
Submarine cables are much
more expensive than land lines.
The Chinese lines were making
a good profit at the rate of
$2.00 per word, but they have
been forced by pressure, chiefly
from Russia - which favors the
Great Northern - to accede to the
increase.

The mercantile community will
endeavor in every way to
curtail telegrapling and it
is doubtful whether the cable
companies will gain by the
change of rates. The combination
of

of the three companies to keep up rates is said to have been partly caused by the desire to accumulate funds with which to fight a Trans-Pacific cable. Such a cable is now looked to by residents in China with a great deal of hope.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

2D ASSISTANT SECRETARY.
Ack & file. aaa
OCT 14 1896

DIPLOMATIC
OCT 21 1896
BUREAU.

No 2591

Legation of the United States,

Peking, September 2, 1896.

INDEX BUREAU
RECD.
OCT 14 1896
DEPT. OF STATE

Mr. Denby to the

Secretary of State.

Subject:

The Russian Railroad through Manchuria.

Synopsis:

Indications are that it will so run. There is no ground for the United States to object thereto. Americans should build connecting lines.

№ 2591

Legation of the United States,

Peking, September 2, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform you that I have received information from Newchwang to the effect that a Russian surveying party consisting of a Captain of the General Staff, a Lieutenant and six men arrived at that port the 16th ultimo.

This party went from Seoul across

across the Yalu and thence via Liaoyang and Haicheng to Newchwang, and proceeded to Port Arthur and Talienhuan. Another surveying party is reported to be on its way to Newchwang from the North via Kirin and Moukden. The officials in the province have received orders from Peking to furnish escorts and render all needed assistance to these parties.

This would seem to indicate that Russia is determined to run the Siberian Railroad through Manchuria. It gives some color also to the existence of a secret Russian treaty with China.

However

However this may be, I have never doubted that Russia would secure from China the right to run her trans-continental railroad through Manchuria. Such a line is the plainest dictate of good judgment and economy. I beg to add that I have never seen any reason why the United States should object to this scheme, and I have not the least desire or intention to intervene in any manner to thwart it. What I would like to see accomplished is the right secured to Americans to build and operate railways in China to connect with the Russian lines

I

I have the honor to be.

Sir,

Your obedient servant,

Charles Denby

File

No 2592.

DIPLOMATIC
OCT 15 1896

Legation of the United States.

Peking, September 3rd, 1896.

INDEX BUREAU
RECD.
OCT 14 1896
DEPT. OF STATE

Mr. Denby to the

Secretary of State.

Subject

Acknowledging despatches received.

No 2592.

Legation of the United States.

Peking, September 3rd, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches Nos 1302 of the 21st July, and 1303 and 1304 of the 23rd July.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

2593

No. 2593

ASSISTANT SECRETARY
OCT 26 1896
DEPARTMENT OF STATE.

Legation of the United States,

Peking, September 3rd 1896.

INDEXED DOCUMENT
HEOU.
OCT 24 1896
DEPT. OF STATE.

DIPLOMATIC
OCT 28 1896
BUREAU.

Mr. Denby to the

Secretary of State.

Subject:

Proposed tax on manufactured cotton and filatures.

✓ Answ'd by tel. Oct 28.
Answ'd by mail Oct 30.

Synopsis:

Papers on this subject enclosed. The Minister asks instruction as to what course he should pursue.

2D ASSISTANT SECRETARY.
OCT 25 1906

Dear Rockhill:

I have written recently on this subject, and I believe there are a number of instructions covering the question of the Russell silk-filature mills. My position has been that the preparation of any Chinese product for exportation is a right of the exporter, not to be burdened by any tax other than the treaty export tax. When however, as in the instance of the cotton mills – and as would seem from this despatch in the case of the

Two enclosures.

No 2593.

Legation of the United States,
Peking, September 3rd 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to inform you that the Tsungli Yamên has memorialized the throne proposing that a tax of ten per cent be levied on the manufacture by machinery of cotton and silk filature in the South and grape wine in the North.

I enclose a copy of this memorial.

The

silk filature mills inasmuch as exemption from likin is conceded — the foreigner elaborates or manufactures in China commodities for sale in China to the Chinese, the case is different and like you I see no ground of safe protest except the shortsightedness of the proposed policy because detrimental to Chinese industrials. The treaties give the foreigner no share in the internal trade and manufactures of China, and this is especially pertinent to the cotton mills which manufacture India cotton into yarn or cloths for sale to the Chinese.

You may recall that I drafted

Two enclosures.

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Peking, September 3rd 1896.

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Secretary of State,
Washington, D. C.

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The

several instructions in the sense of my views but that Judge Gresham hesitated to adopt them, - why I never could understand -

I dont think our previous instructions in regard to Kerosene would help us. Denby in dealing with silk-filatures as distinguishable from calico-making -

Ab

Two enclosures.

No 2593.

Legation of the United States,
Peking, September 3rd 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D. C.

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The

The memorial states that "after the conclusion of the Treaty of Shimonoseki foreign merchants of all nationalities were empowered to manufacture native produce."

It is now "imperative to devise some mode to arrest the drain on the country's resources."

"Those who enjoy the advantages accruing from these manufactures should also incur the responsibility of paying duties".

The memorial sets out that "foreign merchants importing foreign produce pay in the majority of cases, an import duty of 5 per cent. On sending the goods into the interior a further transit duty of Tls. 2, 5 mace is charged."

Foreign

Foreign merchants purchasing goods in the interior pay in addition to export duty, Transit duty of 2½ per cent. Produce carried into the interior by foreign merchants pays no duties but Customs and Transit duties.

Native produce which has not yet reached the foreign consignee, and foreign produce which has been delivered to the native purchaser pay likin.

The memorial proposes that manufactured produce whether Chinese or foreign should, before it leaves the place of manufacture, pay double the duty of five per cent prescribed in the case of foreign exports - that is 10 per

per cent. Such goods are to be exempt from likin.

In an addendum to this memorial the Inspector General of Imperial Maritime Customs calls attention to the fact that gross frauds are perpetrated under the present system.

The Shanghai General Chamber of Commerce has addressed to me as Dean of the Diplomatic Corps a vigorous paper in which it protests against the proposed taxation, and concludes by asking me to move my Colleagues "to inform the Tsungli Yamên that the proposals of the memorial will not be assented to by the Foreign Powers."

A

2
93

A copy thereof is enclosed.
There are several of the foreign representatives now absent from Peking, and it is impossible to secure a meeting of the members of the Diplomatic Corps. I have so notified the Chamber of Commerce and the Yamên, and have asked the latter to take no steps in the matter until after a meeting of the foreign representatives can be had.
The Chamber of Commerce argues that the proposed tax would be very severe, particularly on silk filatures, which are in a different position from cotton mills because their product is solely for export. This
proposal

proposal simply means 7 to 8½ per cent additional export duty, as the present duties of Taels 10 per picul on white silk, Taels 7 on yellow, and Taels 5 on Tussahs practically ranged from over 1½% per cent to 3% on their respective values.

It is said "that this additional taxation will have a disastrous effect on the Filature Industry in China, with corresponding advantage to the production of those countries with which China now competes" and that it might stop the use of machinery.

I heartily concur with the Chamber of Commerce that the proposed tax should in no event

event be levied on the products of this year's business. This would be rank injustice as the Chamber sets out.

As to the duty or advisability of my interfering to prevent the levying an internal tax on manufactured cotton a filatures, I am in doubt.

As the Yamen states "where goods are manufactured by machinery (in China) lighterage, freight, insurance, and coolie hire, are all saved; less capital is required and profits are abundant."

To these advantages must be added cheap labor and the use of silver money. The plain

Question

question, therefore, is should I encourage manufacturing in China of silk and cotton? Both these articles are manufactured in the United States, and between the products of the two countries there will be competition to the disadvantage of the American producer.

A broader question is: have we the right to object to an internal tax which is not prohibitory and does not discriminate against our products?

I call attention to your despatch No. 1271 of May 9 relating to kerosene.

In my despatch No. 2467 of January

January 21st, I made some
observations on the construction
of the Shimonoseki Treaty and
endeavored to obtain your views
thereon. In your despatch
No. 1253 of May 1st you declined
to construe that treaty.
The construction to which I
inclined in that despatch
would deprive China of the
power to levy the proposed
tax on goods manufactured
by Japanese in China, but
would affect no other people
unless under the favored
nation clause the provisions
of the treaty were adopted.
It must be said, therefore,
that you are free to take
whatever

whatever position you choose on the question now presented.

I would be very much obliged if on the receipt of this despatch you would instruct me by wire whether to oppose the proposed tax or do nothing. In order that this may reach you in time to advise me, I have written more hurriedly than I otherwise would have done.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. Translation of Memorial as above.

2. Shanghai Chamber of Commerce to Mr. Denby, Aug. 27-1896, Mis. - No 70/1896.

Enclosure 1 in No 2593.

PROPOSED TARIFF ON LOCAL MANUFACTURES.

Copy of a Memorial from the Tsungli Yamên.
(*Shênpao*, 11th August, 1896.)

Your servants, the Ministers of the Tsungli Yamên, on their kness present a Memorial with regard to the settlement of the tariff on manufactured goods, in order to maintain due regard for the public revenue and to secure substantial profit. Prostrate, they pray for the sacred glance on the memorial which they have reverently prepared.

We would observe with regard to the manufacture of goods by machinery at the various Treaty Ports, as for instance, the cotton manufacture and silk filature in the South, and the manufacture of grape wine in the North, that on several occasions the Superintendents of Trade for the Northern and Southern Ports have memorialised requesting that such produce shall only pay the export duty, or they have requested that both Customs Duty and Likin be remitted for some years, the intention being to benefit the people at the expense of the Government in the hope of giving an impetus to trade. At that time there was no express stipulation regarding the manufacture of goods by foreign merchants and it was deemed advisable to act in accordance with the exigencies of affairs. After the conclusion of the Treaty of Shimonoseki, foreign merchants of all nationalities were empowered to manufacture native produce. As former Treaties do not provide for this contingency, it is imperative to devise some equitable mode of action calculated to arrest the drain on the country's resources, and to deprive (foreigners) of a pretext (*i.e.*, for demanding the abatement or abolition of duties) at the present moment. Japanese merchants are buying land in Shanghai for the erection of factories, and the merchants of other nationalities are also establishing factories in great numbers. Thus, in the twinkling of an eye, steam factories are established at the Treaty Ports as thick as trees, and commodities of all kinds overflow Those who enjoy the advantages accruing from these manufactures should also incur the responsibility of paying duties. In the case of a new undertaking like this, it is very necessary to settle uniform tariff regulations without making distinctions in virtue of which some pay heavier and others lighter duties; so that it may be easy for all to conform therewith. We find that foreign merchants importing foreign produce, pay, in the majority of cases, an import duty of 5 per cent. On sending the goods into the interior, a further transit duty of Tls. 2, 5 mace is charged. Foreign merchants purchasing native produce in the interior under Transit Pass, pay in addition to the export duty the half or transit duty, after which they are at liberty to export the goods. Foreign merchants carrying produce for sale, whether for import or export, pay no further duties beyond the Customs duty and the transit duty; but native produce which has not yet reached the foreign consignee, and foreign produce which has been delivered to the native purchaser must both pay likin to supply the deficiencies in the revenue. Moreover, where goods are manufactured by machinery (in China) lighterage, freight, insurance, and coolie hire are all saved, less capital is required and profits are abundant. Your memorialists having deliberated together would suggest that, leaving the Viceroys and Governors of the various provinces to fix the amount of the *loti shui* and likin due on native produce at the place of production; manufactured produce, whether Chinese or foreign, should, before it leaves the place of manufacture, pay double the duty of five per cent prescribed in the case of foreign exports, so as to supplement the likin payable in the interior. This amounts to a duty of 10 per cent. Hereafter, whatever be their destination, all goods will be exempt from likin; the gain in duties balancing the loss in likin, so that the public revenue will remain at its present figure. At the present funds are unusually scarce, and liabilities multifarious. This is not an extravagant project to "mend the fold when the sheep has gone," but the intention is "to make use of the guest (foreigner) in order to establish the host (China)." The native merchant eats the produce and dwells on the soil of China and should know how difficult it is for the Government to devise expedients. The goods of the foreign merchant find a ready market, and it is only right to have in view the same treatment for all.

Should your Imperial Majesty's assent to received, memorialists will communicate with the Superintendents of Trade for the northern and southern ports, desiring them to direct the Superintendents of Customs to take uniform action in accordance with the above suggestions.

In duty bound we present this memorial reverently prepared setting forth the proposed tariff regulations to govern manufactured goods. Prostrate we pray for your Majesty's sacred glance thereon and that you may be pleased to let us know your pleasure. A reverent memorial.

Furthermore—The following representation has reached the Yamên of your memorialists from Sir Robert Hart, the Inspector-General of Customs:—

"Since China has been opened to foreign trade, goods coming from or going into the interior either paid likin, or transit duty. Foreign merchants' goods going into the interior, having paid the transit duty and received a transit duty certificate, thereupon become exempt from paying likin *en route*. This procedure applies equally to both Chinese and foreign merchants. Native produce coming from the interior under Transit Pass is exempt from likin *en route*, and is only under the necessity on reaching a port to pay the transit duty, after which it is exported. This privilege is confined to foreign merchants and Chinese merchants are not entitled to it. But it frequently happens that Chinese merchants fradulently induce the various foreign firms to purchase and bring down native produce, their object being to evade the payment of likin. This produce is not exported to foreign countries, the result being that honest trade and the likin revenue of all the provinces both suffer alike. If it is wished to put a stop to these abuses, the only thing to do is to allow Chinese merchants to take out transit passes in the same way as foreign merchants, so that they can buy native produce and convey it to the ports. Thus a stop will be put to the spread of corrupt practices, and by the same means the revenue will be brought to

a flourishing condition. A memorandum is herewith enclosed for your perusal."

The memorandum contains a request for the adoption of the procedure laid down in the Chinkiang Customs regulations now in force; that is to say, when a merchant takes out a transit pass, he has to enter into a recognisance to the effect that if the goods do not reach a port within the time allowed, he shall forfeit six times the amount of the duty. On the goods reaching the port, he shall deposit three times the amount of the duty. If the said goods are duly exported to a foreign country, the export duty and the transit duty shall be deducted from the deposit, and the balance returned to the merchant. Should the goods in question not be exported to a foreign country, the entire deposit shall be paid over to the likin office.

Your memorialists would observe that when foreign merchants take out transit passes for the purchase of native goods they should export the goods to the foreign country within the specified time; on this account only foreign merchants are allowed to take out transit passes while Chinese merchants are debarred from doing so. But, of late, foreign merchants do not in all cases export the native produce they have purchased, and there have been repeated cases in which Chinese merchants, being desirous of evading likin, have personated foreign merchants and obtained transit passes under false pretences. The foreign merchants take a delight in shielding them so that they may divide profits, and thus frauds of all kinds are perpetrated which baffle complete investigation. The objects of the proposals advanced by the I.G. are the regulation of the revenue and the putting a stop to the spread of malpractices. After mature deliberation, memorialists are of opinion that the most just course to pursue will be to establish a uniform procedure in place of the present dual system which only leads to false representations. We propose therefore that the Chinkiang Customs regulations quoted by the I.G. should be made to apply uniformly throughout the entire Customs system. That is to say: Chinese merchants taking out transit passes are exempt from paying likin in the interior, but must pay the transit duty. Furthermore, the native produce purchased need not necessarily be exported in every case, on which account one and a half times the amount of the duty must be paid in excess as cover for the likin. The result will be advantage and not disadvantage, and will redound to the benefit both of the revenue and of trade.

Should your Majesty signify assent, memorialists will send instructions to the Inspector-General of Customs and request the Northern and Southern Superintendents of Trade to direct the various Superintendents of Customs to settle a date for the inauguration of the new system.

As in duty bound we present this supplementary memorial and prostrate pray your Imperial Majesty to deign to glance thereon and to favour us with your commands. A reverent memorial.

Enclosure 2 in No 2593.

COPY.

Shanghai General Chanber of Commerce,

No.1062. Shanghai 27th Aug., 1896.

Sir:

I have the honor to enclose copy of a memorial from the Tsungli Yamen to the Throne published in Foreign and Native Newspapers, and are desired by the Committee of this Chamber to ask Your Excellency's attention to the suggested scheme for Taxation on Silk Filature Factories and Cotton Mills.

The Memorial is very definite, it clearly proposes that in order to "supplement Likin" and such like taxation, (which charges are increasing every season and are higher now than ever), the production of "Cotton Manufacture and Silk Filature" by machinery shall "pay double the duty of 5% prescribed in the case of Foreign Exports"--this amounts to a duty of 10%--"Hereafter whatever may be their destination all goods will be exempt from Likin."

The proposal as it affects Cotton Mills (notwithstanding that it frees from Likin, goods to be sent into the interior) is very severe, the Chamber however defer dealing with that point pending further information from the owners of Cotton Mills now under construction, and in the meantime I am to ask Your Excellency to protest against the proposal.

The urgency of attention to the Memorial alluded to is in respect to Silk Filatures, which are in a different position to Cotton Mills, seeing that their production is solely for export to Europe and the United States.

The proposal to charge 10% ad valorem on silk filatures simply means 7% to 8 1/2% additional export duty, as the present duties of Taels 10 per picul on white silk, Taels 7 on Yellow,

COPY.

Shanghai, China, May 10, 1920.

No. 1005.

Sir:

I have the honor to enclose copy of a memorial from the Kemorial Committee of Cotton Mills, asking that the Department instruct the Commerce Attaché to make a thorough investigation of the Chinese Export Silk Filature Factories and Cotton Mills.

The Memorial is very definite. It clearly proposes that in case the Department of Commerce "cannot or will not" send such an investigator, the Department of State instruct the Consul General at Shanghai to make the investigation. (Which of course is impossible every reason and the Department knows this very well), the object of "supplement Liking" and such like foreign, (which appears to be interpreted by the Committee of this Chamber Kemembers, and by the Committee as) "a attempt to the unfriendly comment to the Chinese Republican Government and Native Export Silk Filature Factories and Cotton Mills."

The proposal to create 10% an export duty on silk filatures

simply means 5% to 8 L\$ additional export duty, as the present

duties of Taels 10 per picul on white silk, Taels 7 on Yellow,

Shanghai May 10, 1920.

and Taels 5 on Tussahs practically range from rather over 1 1/2% to 3% on their respective values.

The Chamber submits to Your Excellency that this additional taxation will have a disastrous effect on the Filature Industry in China, with corresponding advantage to the production of those countries with which China now competes--and if it is intended to exempt Native Filatures worked by hand or such like means it would not only be inequitable, but it would possibly lead to the stoppage of Filatures worked by Machinery, it would put back China in that respect to a period of twenty years ago, and throw out of employment not less than 25,000 natives who now derive a living and support for their families from these Factories.

The Native Government appears to imagine that China's production of Silk controls prices on Foreign markets; on the contrary Foreign markets regulate the price which Foreign merchants in China can afford to pay for Chinese Cocoons.

It may interest Your Excellency to know that the Likin and Loti Shui tax which the 10% is to supplement already amount to an average of about 9%, so China proposes to penalize the improved Silk product by no less than 19%.

The Chamber does not of course contemplate that such an injustice would be permitted as to charge the additional Duty on Silk reeled from Cocoons bought this season without a hint of the step now proposed.

Your Excellency is possibly unaware that the exigencies of the Trade necessitate the purchase of the entire annual requirements of Cocoons for the Filature Factories in May and June when the market for Cocoons usually opens, and lasts but two or three weeks, and that consequently this season's purchases have already been effected at prices which would obviously never have been paid had the proposed additional taxation been contemplated.

and taxes 2 on imported articles rather than reduce the
to 25% on their respective values.

The Chamber endorses the Yeni Excellency's that the additional
taxation will have a disastrous effect on the Hilarite industry
in China, with corresponding advantage to the production of those
countries with which China now competes--and it it is intended
to exempt Native Hilarite worked by hand or such like means it
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stoppage of Hilarites worked by machinery. It would put back
China in that respect at a period very many yrs. and throw
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living and support for their families from these Factories.

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duction of silk controls prices on foreign markets: on the con-
trary foreign markets regulate the price which foreign merchants
pay not the proposed additional taxation need contemplated.

The Chamber, relying on Your Excellency's sense of justice call attention to the subject and beg that as Doyen of the Corps Diplomatique you will move your Colleagues to inform the Tsungli Yamen that the proposals of their Memorial will not be assented to by the Foreign Powers.

I have the honor to be, Sir,

Your Excellency's

Obedient servant,

(S'g'd) E. F. Alford.

Chairman.

To His Excellency

Colonel Denby,

Minister for the U. S. of America,

Doyen Corps Diplomatique,

Peking.

The Chamber, relying on Your Excellency's sense of justice call attention to the subject and beg that as Doyen of the Corps Diplomatique you will move your Colleagues to inform the Tsungli Yamen that the proposals of their Memorial will not be assented to by the Foreign Powers.

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Chairman.

To His Excellency

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Doyen Corps Diplomatique,

Peking.

No. 2594

DIPLOMATIC
OCT 15 1896
BUREAU

ASSISTANT SECRETARY
OCT 15 1896
DEPARTMENT OF STATE.

Legation of the United States,

Peking, September 3d, 1896.

RECD
OCT 14
1896
DEPT. OF STATE

My Denby to the

Secretary of State.

Answ'd Oct. 16.

Subject:

The case of R. W. Lambuth at Soochow.

Synopsis:

A house leased for business purposes was closed, and the landlord imprisoned and beaten. The matter has been satisfactorily arranged.

One enclosure.

No. 2594

Legation of the United States,
Peking, September 3d, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that on or about the 18th ultimo a house, which had been leased at Soochow by Mr. R. W. Lambuth for business purposes in connection with the running of a line of steam launches from that port to Shanghai, was closed by order of the local authorities, and the native landlord

landlord and security man were imprisoned and the landlord beaten.

The Consul General wired me several times touching this matter and enquired whether he should go to Soochow to endeavor to settle it. I directed him to go. I immediately applied to the Yamen stating the facts and asking that the local authorities be ordered to arrange the matter satisfactorily, which I was assured would be done.

1/2594 I enclose a copy of a despatch from the Consul General, from which it will be seen that a satisfactory conclusion was reached.

I

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

Mr. Jernigan to Mr. Denby,

No. 277. August 25, 1896.

COPY.

Enclosure in No. 2594.

No.277

CONSULATE GENERAL OF THE UNITED STATES,

Shanghai, China, 25 Aug., 1896.

S I R:

On the 1st of August, 1896, R. W. Lambuth, an American citizen, informed me that he had leased a house, at Soochow, from a native, for business purposes, and that at the proper time he proposed to run a steam launch from Shanghai to Soochow, carrying passengers and freight, and that on the 19th inst the house was closed by order of the Soochow Taotai, and that native landlord and security man had been imprisoned, and the native landlord beaten. These facts I wired to you, and promptly demanded of the Nanking Viceroy a redress of the wrong.

In answer to my telegram to you I was instructed by you to go to Soochow, demand proper redress and report to you. I immediately obeyed your instructions, and arrived in Soochow on the morning of the 21st, and had an interview with the Soochow Taotai on the afternoon of the same day.

Before the interview I informed myself as to the facts, and found that Mr. Lambuth had leased the house, but that he had not been to Soochow to trade, and was waiting for the new regulations before beginning to trade; that his wish and intention was to conform to the regulations in every respect, and that the house had only been leased in order to be ready when the regulations are published.

When I met the Soochow Taotai I very frankly stated to him my understanding of the facts. He answered that Soochow had not been declared an open port, and that China was not ready for foreigners to trade there, and would not be ready until the new regulations are published, which would be about the 1st October, 1896. I answered that Soochow had been made an open port by

COPY.

No. 277 CONSULATE GENERAL OF THE UNITED STATES,

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treaty, a fact that had been published to the world, and the only limitation was that foreigners were not to trade at Soochow till six months after the ratification of the treaty, which made it an open port, and that over nine months had passed since the expiration of the six months, but, admitting his view, Mr. Lambuth did not want to trade, and would not trade, before the publication of the regulations; then, I asked, why, under such circumstances do you close the house leased by Mr. Lambuth, and imprison the two Chinamen (and punish one), who were friendly enough to lease the house to my countrymen? The Taotai replied that the house was not on the foreign concession; I answered that there were no houses on the foreign concession; that it would be several months before the foreign concession was in a condition for building on it, and that China had never signified assent for foreigners to lease lots on the concession, but thus far had opposed such leasing, and that the policy indicated would defeat the object of making Soochow an open port; and, I added, that at Shanghai foreigners leased houses from the natives off the concession, and the Shanghai Taotai did not object; that the regulations for trading at the open ports of China should be uniform, and, doubtless, would be intended to be uniform, to avoid constant irritation. In this connection, I stated to the Taotai, it was the opinion of the Legation of the United States at Peking that land at Soochow could be leased by foreigners either within or without the concession as at the other open ports. He did not appear to concur in that opinion, but soon you will see that he not only agreed, but, by his own proposition, fully concurred in your opinion.

At this point the Taotai seemed more inclined to discuss the provisions of the treaty between China and Japan than the business that had called me to Soochow, when I said that I could not discuss any such subjects, however kindred, and that I would

treaty, a fact that had been published to the world, and the only limitation was that foreigners were not to trade at Soochow till six months after the ratification of the treaty, which made it an open port, and that over nine months had passed since the expiration of the six months, but, admitting his view, Mr. Lambuth did not want to trade, and would not trade, before the publication of the regulations; then, I asked, why, under such circumstances do you close the house leased by Mr. Lambuth, and imprison the two Chinamen (and punish one), who were friendly enough to lease the house to my countryman? The Taotai replied that the house was not on the foreign concession; I answered that there were no houses on the foreign concession; that it would be several months before the foreign concession was in a condition for building on it, and that China had never signified assent for foreigners to lease lots on the concession, but thus far had opposed such leasing, and that the policy indicated would defeat the object of making Soochow an open port; and, I added, that at Shanghai foreigners leased houses from the natives off the concession, and the Shanghai Taotai did not object; that the regulations for trading at the open ports of China should be uniform, and, doubtless, would be intended to be uniform, to avoid constant irritation. In this connection, I stated to the Taotai, it was the opinion of the Government of the United States at Peking that land at Soochow could be leased by foreigners either within or without the concession as at the other open ports. He did not appear to concur in that opinion, but soon you will see that he not only agreed, but, by his own proposition, fully concurred in your opinion.

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expect him to release the two Chinamen, unseal the door of the house and restore the status quo; that my countryman had leased the house with lawful intentions and, being willing to conform to the regulations of his government, the house should not have been closed in the manner it was closed, nor should the two friendly Chinamen have been imprisoned; and that I could not discuss what might be agreed upon until the status quo had been fully restored; that a house in the possession of an American citizen under color or title, could not be closed as he had closed "that house". Here the first interview ended, the Taotai saying that he would call to see me the next day, but did not think he could accede to my view.

At the second interview the Taotai asked if Mr. Lambuth was specially desirous of using the house leased, and if another house nearby and off the concession would not suit him as well. I answered that I believed that the two Chinamen he had in prison were specially attached to the leased house, and that if he was ready to restore them liberty and deliver their house to them, the plan he suggested would be considered. He answered that he would release the two Chinamen and put them in possession of their house; and I answered that Mr. Lambuth would accept the house off the concession.

You will observe that we maintain your opinion as to leasing property off the concession, in which the Taotai himself concurs, and that we have the two friendly Chinamen released and their property restored.

As I was leaving, the Taotai asked me if I would not visit Soochow when the port is formally declared open; and I consented?

My telegrams to the Nanking Viceroy on the subject of this number were promptly answered and in the most friendly tone.

Hon. Charles Denby,
U.S. Minister,
Peking, China.

I am etc.,
(S'g'd) T.R. Jernigan.
Consul General.

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(S'g'd) T.R. Jernigan.

Consul General.

Hon. Charles Denby,
U.S. Minister,
Peking, China.

DIPLOMATIC
OCT 26 1896
BUREAU

ASSISTANT SECRETARY
OCT 26 1896
DEPARTMENT OF STATE.

No. 2595.

Legation of the United States.

DIPLOMATIC BUREAU
RECD.
OCT 24 1896
DEPT. OF STATE

Peking, September 3rd, 1896.

Mr. Denby to the

Secretary of State.

Subject

Locomotives for Chinese Railways.

Synopsis

An American firm makes the lowest tender for eight locomotives for the Chinese Railways. Underhand methods about to be employed to prevent their receiving the contract. Action taken by Mr. Denby to defeat this project.

One enclosure.

No 2595.

Legation of the United States.

Peking, September 4th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

On the 4th of May last, the Director General of the Imperial Chinese Railways issued a notice soliciting tenders for the construction of eight locomotives, which tenders were to be opened, it was stated, on August 25th last. In response to this notice, locomotive builders from all over the world submitted proposals.

Among

Among the competitors were three American establishments; the Baldwin Locomotive Works, of Pennsylvania, the Schenectady, of New York, and the Rogers of New Jersey.

On the 8th of August, there appeared at Tientsin another notice from the Director General as follows:

"In consequence of interruption
"of the work on Lu-Kou-chiao
"extention by serious floods,
"the Director General has
"decided to postpone the
"delivery of the eight locomotives
"required under notice of
"4th May, and for which tenders
"were to be opened on the

25th

"25th instant.

"There engines are still
"required but delivery will
"be in the month of September,
"1897, instead of March of same
"year, thereby greatly influencing
"prices.

"The tenders will, therefore,
"be opened on the 25th instant,
"and those sending in the
"best designs will be requested
"to tender two weeks later
"in accordance with new
"conditions."

On the 10th of Aug., Mr. Read,
United States Consul at Tientsin,
sent this Legation a copy of this
notice and a copy of a letter which
he had addressed the Director

General

General, protesting against the procedure indicated. Mr. Read pointed out that this method of treating the tenders would cause dissatisfaction among the competing firms, that it would doubtless be asserted that the directors and managers of the railway had some ulterior motive in wishing to know the details of the tenders before requiring final tenders, etc, etc.

This Legation wrote Mr. Read approving his action, and, at the same time, addressed a note to the Tsungli Yamen, pointing out that the procedure was a remarkable one which was sure to be denounced as an attempt

to

to favor some firm at the
expense of others, that impartial
treatment was expected from
China toward American citizens
competing for government
contracts and that the proposal
to open the tenders on the 25th
August, and then to solicit new
tenders two weeks later, was
merely an opening for fraud. A
copy of this note is enclosed.

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595

In addition to Mr. Read's
despatch above refered to, letters
from the agents of two American
builders denounced the new
notice as a cover for a swindle.

On the 25th August, the tenders
were opened, and it was found
that the American firm, the

Baldwin

Baldwin Locomotive Works, had underbid all competitors. Private advices from Tientsin further stated that their tender was in order in all respects. This result was communicated to the Yamên on the 30th ultimo, and they were informed that this Legation hoped that no underhand means would be permitted to defraud the American manufacturers of a contract they had fairly earned. The Yamên promised to lay the matter before the proper officials and to communicate their reply.

It was stated to the Tsungli Yamên, and it seems proper to

insist

insist, that, where tenders are solicited for government works, the contracts shall be awarded honestly and on the merits of the tenders.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

Mr. Denby to the Tsungli Yamên

Aug. 19th 1896.

Enclosure in No 2595.

Mr. Denby to the Tsungli Yamen.

August 19th, 1896.

Your Highnesses and

Your Excellencies:

On the 4th day of last May the Director General of Imperial Railways at Tientsin called for tenders for eight locomotives for use on the railroad to Lu Kou Chiao. In response to this call two American and a number of other firms sent specifications and made offers to supply these locomotives. These tenders were to have been opened on the 25th instant and the contract was to have been given to the firm making the most satisfactory bid and the locomotives were to have been delivered in March 1897. On the 8th instant, however, the Director General issued another circular at Tientsin, saying that owing to serious floods the delivery of the 8 locomotives required under the notice of the 4th May last was to be postponed until September 1897, that the tenders would be opened on the 25th instant and that those sending in the best designs would be requested to tender two weeks later in accordance with new conditions.

I have to point to Your Highnesses and Your Excellencies that this procedure is a remarkable one and sure to be denounced as an attempt to favor some firm at the expense of the others. American locomotive works have been at great expense and trouble in making drawings and specifications at the request of the railroad management. They submitted them in good faith and they have a right to expect honorable treatment. It is evidently impossible for American firms living 10,000 miles away to alter their designs

August 18th, 1880.

Mr. Depew to the Imperial Xenon.

Count Hildebrand and

Count Excellencies:

On the 4th day of last May the Director General of Imperial Railways of Tientsin called for tenders for eight locomotives for use on the Tai-Tsang to Lu Kou Canal. In response to this call two American and a number of other firms sent specifications and made offers to supply these locomotives. These tenders were to have been opened on the 25th September 1881, that the tenders would be returned to the makers immediately after the opening in the best design would be transmitted and that those sending in the best designs would be requested to tender two weeks later in accordance with new conditions.

I have to point to your Highnesses and your Excellencies that this proceeding is a remarkable one and one to be deprecated as an attempt to twist some trifle at the expense of the offers. American locomotive works have need at first expense and trouble in making drawings and specifications at the request of the Railroad Company. They supplied them in good faith and they have a right to expect honorable treatment. If is evidently impossible for American firms living 10,000 miles away to alter their designs

designs and make new tenders on two weeks notice. No firm could make a new tender within this time unless it had been secretly informed what the character of the changes were to be.

This Legation and the United States Government expect that fair and impartial treatment be accorded by China to American citizens competing for government contracts here. The railways are the property of the Chinese government and it is the duty of Your Highnesses and Your Excellencies to see that its contracts are honorably made. You are requested to order the Railway Administration to open all tenders at the same time viz the 25th August, as originally decided, and to allot the contract to the most satisfactory bidder. The proposal to open the tenders on the 25th August and then to solicit new tenders 2 weeks later is merely an opening for fraud.

I request you to give this matter immediate attention and to reply at your earliest convenience.

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I request You to give this matter immediate attention and to reply at your earliest convenience.

DIPLOMATIC
OCT 26 1896
BUREAU.

ASSISTANT SECRETARY
OCT 26 1896
DEPARTMENT OF STATE.

No 2596.

Legation of the United States.

DIPLOMATIC BUREAU
RECD.
OCT 24 1896
DEPT. of STATE

Peking, September 7th, 1896.

Mr. Denby to the

To Treasury Oct. 27. Secretary of State.
Recd. Oct. 27.

Dpl Bur.
To Treasury
A.K.B. file.

Subject

Certificates for exempt Chinese

Synopsis

Such certificates are to be issued at Canton by the prefect. Correspondence with Yamên enclosed.

Two enclosures.

No. 2596.

Legation of the United States.

Peking, September 7th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that the Consul at Canton recently represented to me that there was no taotai or collector of customs there and no official who was regularly authorized to sign certificates for Chinese, other than laborers, who desired to go to the United States, and he requested me to bring the matter

to

to the attention of the Tsungli Yamên.

I did so, and the Yamên have now informed me that the prefect of Canton is designated as the proper official to sign such certificates.

A copy of my communication to the Yamên and a translation of the reply are enclosed.

1/2596

2/2596

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. Mr. Denby to Yamên, No. 28, Aug. 30. 1896.

2. Yamên to Mr. Denby, No. 33, Sept 4. 1896.

Enclosure 1 in No. 2596.

Mr. Denby to the Tsungli Yamen.

No.28 Peking, August 30th, 1896.

Messieurs les Ministres:

It is well known to you that under the laws of the United States (See Section 6 of the Act of Congress of the United States approved July 6th, 1884) it is necessary that any Chinese person, other than a laborer, who desires to go to the United States from China shall procure a certificate to be issued by the terms of the law by the Chinese Government.

In 1890 it was held by the Department of State that this law would be complied with by the issuance of a certificate by a duly authorized Taotai.

At Canton, as I am informed by the United States Consul, there is no Taotai. It appears, therefore, that merchants and other Chinese persons who are entitled to go to the United States, are greatly embarrassed in procuring certificates. I think the difficulty would be solved by the issuance of an order by you designating and duly authorizing some official at Canton, for example the Governor or the Superintendent of Customs or Prefect to issue certificates, and I respectfully suggest to you to make such an order, and to send me a copy thereof to be forwarded to the U. S. Consul at Canton for his guidance.

Enclosure 2 in No. 2596.

The Tsungli Yamen to Mr. Denby.

No.33 Peking, September 4th, 1896.

Your Excellency:

Upon the 30th August the Prince and Ministers had the honor to receive a communication from the Minister of the United States wherein he states that when any Chinese person wishes to go to the United States a certificate should be issued by a Customs Taotai; that he is informed by the United States Consul at Canton that there is no Taotai at that port and Chinese who are entitled to go to the United States are greatly embarrassed in procuring certificates; that the difficulty would be solved by the issuance of an order by the Yamen designating and duly authorizing some official at Canton, for example the Governor or the Superintendent of Customs, or Prefect, to issue certificates. The Minister of the United States respectfully suggests to the Yamen to make such an order and to send him a copy thereof to be forwarded to the United States Consul at Canton for his guidance.

The Prince and Ministers would observe that in the matter of Chinese merchants going from Canton to the United States, hitherto certificates have been issued by the Prefect. This was settled after deliberation between the Yamen and Viceroy at Canton in 1890, and is a matter of record.

Now in the present case of the young Chinese students which To Li-ssu (?) of the New York Mission engaged to proceed to the United States, it appears that certificates were issued to them by Mr. Commissioner of Customs Carrall, at Canton.

Although the issuance of these certificates may be regarded as an exceptional arrangement for the students to enter the

Canton, March 1, 1880.

The Honorable Evarts,
Secretary of State,
Washington, D.C.

Sir:

Upon the 30th ultimo the Prince and Minister and Governor had
the honor to receive a communication from the Minister of the
United States stating that upon application to the Consul at
Canton, in 1880, and it a matter of record.

Now in the present case of the young Chinese student who
is in-use (?) of the New York Mission entered to proceed to the
United States, it appears that certificates were issued to them
by Mr. Commissioner of Customs GARRETT, at Canton.

Although the issuance of these certificates may be regarded
as an exceptional arrangement for the students of enter the

United States, it was a procedure not in accordance with precedent or the rule laid down.

Some time ago the Yamen received a note from H. E. Mr. Yang, Chinese Minister at Washington, making enquiry on the subject and the Yamen replied informing him of the rule adopted, requesting him to communicate the same for the information of the Honorable Secretary of State.

Now having received the communication of the Minister of the United States the Prince and Ministers would state that they have telegraphed Canton instructing the Prefect in future, to confer with the United States Consul in the matter of the issuance of certificates to Chinese merchants going to the United States.

A telegraphic reply has been received from the Viceroy at Canton stating that action will be taken accordingly.

The Prince and Ministers request the Minister of the United States to inform the United States Consul at Canton for his guidance in the premises.

DIPLOMATIC
OCT 26 1896
BUREAU.

ASSISTANT SECRETARY
OCT 26 1896
DEPARTMENT OF STATE.

No. 2597.

Legation of the United States.

DIPLOMATIC BUREAU
RECD.
OCT 24 1896
DEPT. STATE

Peking, September 10th, 1896.

Mr. Denby to the

Secretary of State.

Subject

The tea trade with Tibet.

Synopsis

Clipping from North China Daily News on the subject.

One enclosure.

No 2597.

Legation of the United States.

Peking, September 10th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose a clipping from the North China Daily News of the 1st instant, being an article on the tea trade with Tibet.

1/597

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

Enclosure:

Clipping as above.

Enclosure in No. 2597.

From North China Daily News, Shanghai
— Sept. 1. 1896. —

THE TEA TRADE WITH TIBET.*

THIS trade according to the latest enquiries amounts at Tachienlu on the frontier where the great province of Szechuan touches the land of the Lamas to £150,000, that is a sum approaching one million taels, or three million rupees. The Chinese government levies upon this trade duties amounting to about £20,000. It has been entirely in their own hands to do as they pleased with it. The charges are laid on their own people who can be punished if they disobey the laws. The expense of conveyance is great on account of the very great distances to which the tea needs to be carried by baggage animals. Yet statesmen who control affairs expect about thirteen per cent to be paid to the government. There can be little doubt that a reduction in the duty would stimulate the trade. In Mr. von Rosthorn's pamphlet on Tea Cultivation in Tibet will be found a historical sketch of the trade. The application of the system of transit passes to this trade is traced in this pamphlet to the Ming dynasty. Tea was at first for a long period exchanged for horses, an animal always in demand by the Chinese for the army, for ploughing, and as a sumpter animal. During four centuries, however, silver has been brought to market by the Tibetan trader to be exchanged for tea in Szechuan. Their supply of this metal is derived by the Tibetan people chiefly from India, but also from Cabul, Persia, and Russia. The empire of the Caliphs followed by that of the Mongols and Turks in regions to the west and south of Tibet would put into circulation large amounts of silver and gold. In 1492 the discovery of America led to the conveyance of unprecedentedly large quantities of silver to Asia, and the arrival of this metal stimulated commerce and led to a rapid increase in population. In a country like Tibet where animals can find grass without limit it is possible for populations to increase and this has without doubt been one result of the tea trade. The tea trade is too limited in extent for so large a country. It would be found that with an extended trade the population, now about four millions, would increase greatly.

At the beginning of the present dynasty 250 years ago, nearly 60,000 taels of silver, or reckoning the ounce at 5s., £15,000 were yielded to the government by this trade. It was then that the prosperity of Tachienlu commenced. In 1719 two other markets were thrown open to the traders of Tibet, that is to say Litang and Batang. They are both much farther to the west and Batang lies near the River of Golden Sand. As the crow flies this city is 550 miles from Lhassa or nearly a month's travelling. In the days of horse barter a good horse cost 120 catties of tea. As a matter of course in the long run barter is sure to be exchanged for money, and after many changes and much consideration it was finally settled in the year 1569 that all the tea duties of the province should be paid in silver. In 1743 the system of taxation was revised. Permits were issued, each representing 100 catties with an allowance for waste of 14 catties. The tax on tea permits became $\frac{1}{8}$th of a tael or sevenpence-halfpenny. The topography of the province states that 139,354 permits were issued. Out of these two-thirds were for Tibet, one-fourth for border chiefs, and the rest met the demand for consumption in that part of the province. The nine million pounds of tea bought by Tibet cost them £100,000, that is to say ninety pounds are exchanged for one pound sterling. It is highly probable then that the introduction of Indian tea will not affect the Chinese trade. It is the rich that buy the Szechuan brick tea and the homes of poor Tibetans only would be reached from India. At present in those parts of Tibet which are adjacent to China, the native chieftains are the buyers of tea, and they send sumpter animals to the frontier to bring it away. In Tibet proper it is the priesthood who purchase tea. The Lamas help, however, to spread a taste for it among the people by a free distribution of buttered tea at certain festivals. Cheap tea taken from India would be adopted cheerfully by the common people even if the Lamas and the rich patricians retained their love for the Chinese article. In addition to the sevenpence-halfpenny for each permit in the first instance, there is a charge of Tls. 0.472 for an export permit, of Tls. 0.361 for a border permit, and Tls. 0.250 for inland permit. Beside these there is a charge for administrative expenses. This is Tls. 0.124 for export permits and for the others in proportion. There is also a fee for barrier expenses. Mr. von Rosthorn has calculated the revenue in 1815 from these sources. Permits for export to Tibet Tls. 80,000; Border permits Tls. 22,000; and Inland permits Tls. 9,000. In all Tls. 111,000 were collected on tea in that year. The same writer states the number of permits now to be 73,000 representing 66,000 piculs and 53,400 representing 42,000 piculs. The former go west and the latter are conveyed to the north. The western portion of the trade contains the whole of the nine million pounds of tea sold in

* *On Tea Cultivation in Western Sze chuan and the Tea trade with Tibet.* By A. de Rosthorn. London, Luzac & Co.

Tibet. The tea is of a very low class and 65 per cent of wild shrub leaves are mixed with the leaves of cultivated tea. These wild shrubs are the scrub oak, *vitex*, and other species which lend themselves to adulteration. We may indulge the hope that the leaves which are not tea have a virtue of their own allied to that of tea. Perhaps Tibetan tea may contain leaves whose qualities may be better than we yet know. Otherwise it would be a melancholy thought that sixty-five parts in a hundred of their tea should have no refreshing qualities, and by a trick of trade to make money dishonestly be carried a month's journey over the Tibetan mountains, merely adding to the burden on the backs of patient yaks.

At the end we have the value of the trade :—

Cost of leaves when bought from the farmer	Tls.	278,476
Packing, &c., at 330 cash each permit	,,	33,476
Transport 126,000 permits at 1.04	,,	131,872
Dues and duties	,,	133,840
Value of Tea in the Tachien-lu market	Tls.	577,664
Sold for silver to Tibetan traders at	Tls.	1,014,400

It is interesting to know these facts just at present because the trade has been managed entirely by the Chinese and this is the result. There can be no doubt that the Tibetans have been paying too much for tea and that they might purchase far more of it than they do. At Tachienlu they give Taels 8.88 for 100 catties or 2¾*d*. per pound. When the tea reaches Batang it has doubled its price. At Lhassa the price is four times as great. In that city it costs 11*d*. a pound. Certainly there is a prospect for Indian tea in a country such as Tibet where the people are comparatively poor. The Sze-chuan tea trade need not suffer at all. There are wide tracts all round where this branch of commerce can be pushed. At present a considerable part goes to Sungpan on the north of Chêngtu. It is taken there by the Min River. India will require to learn the art of preparing tea in brick form for the Tibetan trade. This kind of tea is preferred and the manipulation is not difficult to put into practice when known. Mr. Colborne Baber says : "To the Tibetan tea is more than a luxury ; it is a necessary. Deprived of the costly but indispensable astringent he suffers from headache, grows nervous, is out of condition, and altogether unhappy." Astringency is the property desired, seeing that the many thousand Tibetans who cannot afford tea use oak bark instead.

COPIED. FOR ASSISTANT SECRETARY'S
DIPLOMATIC
OCT 26 1896 COPIED. FOREIGN RELATIONS.
BUREAU.
DEPARTMENT OF STATE.

No 2598.

Legation of the United States.

INDEX BUREAU
RECD.
OCT 24 1896
DEPT. of STATE

Peking, September 10th, 1896.

Mr. Denby to the

Secretary of State.

Dept Ans
Ask an early report
Subject. Sept
Replied Sept Oct 27.

Missionary trouble at Lin Wu, Hunan.

Synopsis

Report of Yamên detailing the action in the case enclosed.

One enclosure.

No 2598.

Legation of the United States.

Peking, September 10th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a translation of a despatch from the Tsungli Yamên, detailing the action taken in the case of Mr. Lingle, an American missionary who lost property at the hands of disorderly characters at Lin Ku, in Hunan. The representations made to the Yamên in this case by this Legation were

were reported to you in despatch No 2549, of June 19th last.

The Yamên's despatch indicates that the case was properly dealt with, and this is confirmed by correspondence with the viceroy, copies of which were recently received from Hankow.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

Mr. Denby fr. the Tsungli Yamên,
No 311, September 4th, 1896.

Enclosure in No. 2598.

The Tsungli Yamen to Mr. Denby.

No.34 September 4th, 1896.

Your Excellency:

At the interview the Chargé d' Affaires of the United States had at the Yamen, some time since, he represented that at a place called Lin Wu, in Hunan, not far from Lien Chow, on the borders of Kwangtung, American missionaries have been carrying on religious work for the past six years. Lately the people destroyed the missionary chapel and school house, pulled down some of the houses of Christians, plundered them and had driven them out of the city of Lin Wu. The Chargé d' Affaires requested that proper instructions be issued to the local authorities to give due protection to the Christians, etc.

At the time the Yamen telegraphed the Viceroy of Hu Kuang and the Viceroy at Canton to issue instructions to the Military and Civil district officers to take action in good earnest to repress the rioters and protect the missionaries and their converts.

The Viceroy of Hu Kuang has now reported that at the time he issued instructions to the civil and military district officers to act in accordance with his injunctions.

The acting magistrate of Lin Wu, Chu Shih-hsien, and the acting Lieutenant Colonel of the Lin Wu Battalion have presented a joint petition as under:

"In April 1894, the Magistrate of Lin Wu at that time, Pao Hsi-pang, had word from Lien Chou, in Kwangtung, that the Rev. W.H. Lingle an American missionary was under escort. He passed through

Enclosure in No. 258.

The Tsungli Yamen to Mr. Denby.

No. 34 September 4th, 1890.

Your Excellency:

At the interview the Chargé d' Affaires of the United States had at the Yamen some time since, he represented that at a place called Lin Wu in Hunan not far from Lieh Chow, on the borders of Kwangtung, American missionaries have been carrying on religious work for the past six years. Lately the people destroyed the missionary chapel and school house, pulled down some of the houses of Christians, plundered them and had driven them out of the city of Lin Wu. The Chargé d' Affaires requested that proper instructions be issued to the local authorities to give due protection to the Christians, etc.

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"In April 1894, the Magistrate of Lin Wu at that time, Pao Hsi-pang, had word from Lieh Chou in Kwangtung, that the Rev. W.H. Lingle an American missionary was under escort. He passed through

through Lin Wu on a journey to the district of Chia Ho. He went to and fro several times Each time he arrived at Lin Wu he put up at the residence of a native Christian named Li Po-tai, a little over a li from the city where he preached the gospel. There were no chapel or school house established there.

In November 1895, the said missionary, accompanied by a member of his family arrived at Lin Wu from Lien Chou and stayed only two days when they went to Chia Ho. They afterwards, on returning from Chia Ho, did not stay at Lin Wu but went straight on to Lien Chou.

On the 24th of April of this year, he (Mr. Lingle) came to Lin Wu from Lien Chou, with two members of his family, and on the 30th idem the Magistrate sent an escort to take them to Chia Ho. During these days the spectators stood around like a wall. The petitioners being afraid that a disturbance might occur instructed soldiers and Yamen runners to act in good earnest to repress the people and prevent a riot. Fortunately peace and quiet were secure.

Unexpectedly some ignorant fellows of no knowledge of the world, at the third watch on the 30th April, destroyed the residence and shop of Li Po-Tai. On learning what had happened the petitioners went in person to the place and the crowd dispersed on all sides. Doors, small boards, etc. were also taken from the houses of all the other Christians. Efforts were made to arrest the guilty but without success.

On the 4th of May, the said missionary came alone from Chia Ho to Lin Wu and stated that he had rented Li Po-tai's house for $100., for a term of ten years, and that he had only occupied the place for three years. It was now destroyed. He presented his lease but it was difficult to distinguish whether it was a true

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$100., for a term of ten years, and that he had only occupied the
place for three years. It was now destroyed. He presented his
lease but it was difficult to distinguish whether it was a two

true or false document. On examining the archives of the Magistrate's Yamen it was found that there was no register of the lease. Enquiry was made of the gentry, but they knew nothing about the lease. As the inns in the city would not give Mr. Lingle quarters the Magistrate allowed him to stay in his Yamen and provided him with food. The Magistrate explained to him that as the people objected, it would be no easy matter, it was feared, to establish a chapel at Lin Wu, and it would be best to recover the lease money and he go to another place. He insisted on having the house leased. The Magistrate told him he should wait until after the examinations were over next year, when he could consult with the local officials and gentry and arrange for a place. To this proposition he gladly assented, but stated that as the people did not like him the Christians had suffered by having the doors etc. of their houses destroyed. He asked that due reparation be made to them. It was in the dead of night when the conversation ended. Mr. Lingle stayed at the Yamen and the next morning he again returned to Chia Ho. It may be stated that it was a lawless set of roughs and vagabonds who destroyed the buildings and how can they be pursued and captured? Materials were therefore purchased and workmen engaged to make repairs to the houses of the Christians, which have been completed.

On the 14th May the said missionary with two members of his family arrived at Lin Wu under escort from Chia Ho, and they saw for themselves that the houses of the Christians had been repaired The said missionary expressed to the Magistrate his profound thanks for what had been done. The same day he returned to Lien Chou. The people seeing that the said missionary did not remain in Lin Wu, everything is now quiet and there is no noise or clamor. It is now more than a month, and as the missionary has

people did not like him the Christians had entered by having the Mayor's house destroyed. He denied that he had ordered the destruction and said that there was no objection to his doing so if it was to be stated in the Mayor's presence that the Christians had destroyed the house of the Christians, which have been compensated.

On the 14th May the said missionary with two members of his family arrived at Lima Ho from Chin Ho, and they were not allowed to land. The Magistrate's pro-tempore had refused to allow the said missionary to enter the Christians had been refused for themselves that the house of the Christians had been done. The same was refused to allow the said missionary expressed to the Magistrate's pro-tempore had been done. The people seeing that the said missionary did not remain upon. The people seeing that the said missionary did not remain at Lima Ho, everything is now quiet and there is no noise or disturbance to be heard. If it was not for the missionary and as the Magistrate's house is now a ruin to look at. The Magistrate's pro-tempore has promised and now wishes to make repairs to the house of the Christians, which have been compensated.

On the 14th May the said missionary with two members of his family arrived at Lima Ho from Chin Ho, and they were refused to land. Magistrate's were informed that no reply had been received from the Mayor's house destroyed. He denied that the Christians had entered by having the house of the Christians destroyed. If was in the need to allow them the compensation ordered. Mr. Lingle stays at the Yamen and the next day he went to Lima Ho. If was to attend a meeting of the Magistrate's pro-tempore and gentry and merchants to make repairs to the house of the Christians, which have been compensated.

On the 14th May the said missionary with two members of his family arrived at Lima Ho from Chin Ho, and they were refused to land. The Magistrate's pro-tempore had refused to allow the said missionary to enter the house. If was then decided that the Magistrate's pro-tempore should allow the said missionary to land and that the Christians had entered by having the house of the Christians destroyed. He denied that the Christians had entered by having the house of the Christians destroyed. If was in the need to allow them the compensation ordered. Mr. Lingle stays at the Yamen and the next day he went to Lima Ho. If was to attend a meeting of the Magistrate's pro-tempore and gentry and merchants to make repairs to the house of the Christians, which have been compensated.

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has not returned the people and Christians are living peacefully together.

The said missionary has been visiting Lin Wu for about 3 years and there are from 50 to 60 native Christians. They have never been robbed or expelled from the place. When Mr. Lingle again visits Lin Wu soldiers will be deputed to repress the people and action taken in good earnest to afford him proper protection.

Proclamations will be issued so that it may clearly known to all law abiding persons that they must attend to their own duties, keep the law and thus trouble may be avoided etc."

The Viceroy having received the above petition has instructed the Hankow Taotai to communicate with the United States Consul at Hankow on the subject.

The Yamen would observe that a representation from the Viceroy at Canton is about the same as the above. That officer has instructed the Lien Chou officials to communicate with the Magistrate of Lin Wu that energetic action must always be taken to repress the people and afford due protection to Christians.

has not returned the people and Christians are living peacefully together.

The said missionary has been visiting Lin Wu for about 3 years and there are from 50 to 60 native Christians. They have never been robbed or expelled from the place. When Mr. Lingle again visits Lin Wu soldiers will be deputed to repress the people and action taken in good earnest to afford him proper protection.

Proclamations will be issued so that it may clearly known to all law abiding persons that they must attend to their own duties, keep the law and thus trouble may be avoided etc."

The Viceroy having received the above petition has instructed the Hankow Taotai to communicate with the United States Consul at Hankow on the subject.

The Yamen would observe that a representation from the Viceroy at Canton is about the same as the above. That officer has instructed the Lien Chou officials to communicate with the Magistrate of Lin Wu that energetic action must always be taken to repress the people and afford due protection to Christians.

Tels

No. 2599

Legation of the United States,

Peking, September 16th, 1896.

Mr. Denby to the

Secretary of State.

Subject:

Acknowledgment of despatches.

No 2599.

Legation of the United States.

Peking, September 16th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows: Nos 1305, 1306, 1307, 1308, 1309 and 1310 of the 24th July and a circular of the 25th July.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

ASSISTANT SECRETARY
OCT 26 1896
DEPARTMENT OF STATE

File

Supt Pub Arch N. file

No. 2600

Legation of the United States.

Peking, September 16th 1896.

INDEX BUREAU
RECD.
OCT 24 1896
DEPT. OF STATE

Mr. Denby to the

Secretary of State.

DIPLOMATIC
OCT 26 1896
BUREAU

Subject

Certain items of news from Newchwang.

Synopsis

Ice breaker purchased for Vladivostok. Export business to cease. Mining licenses revoked. Insurrection in Chao yang.

No. 2600.

Legation of the United States.

Peking, September 16th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform you that Vice-Consul Bandinel has sent to me from Newchwang certain items of information which may prove of interest to you. He reports that a powerful "Ice-breaker" is being constructed in Denmark, which will keep Vladivostock open throughout

throughout the winter. It will arrive next spring.

An insurrection has broken out in Chaoyang Hsien and troops have been ordered there to suppress it. It is probable that there will be a total cessation of export and perhaps of import business at Newchwang in consequence of the determination of the authorities to increase the existing imports and to institute fresh ones.

The officials who have been issuing mining licenses in the province of Sheng king (Manchuria) are to be arrested, the licenses cancelled

cancelled and the mines closed as the Imperial sanction had not been obtained.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Ful

No. 2601

Legation of the United States,

Peking, September 18th, 1896.

Mr. Denby to the

Secretary of State.

Subject:

Acknowledgment of despatches.

No. 2601

Legation of the United States,

Peking, September 18th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches No. 1311 and 1312 of the 28th July, circular of the 30th July, No. 1313 of the 31st July, No. 1314, 1315 and 1316 of the 6th August, No. 1317 and 1318 of the 7th August, and 1319 of the 10th August.

I

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

ASSISTANT SECRETARY
OCT 26 1896
DEPARTMENT OF STATE.

No 2602.

Legation of the United States.

Peking, September 18th, 1896.

INDEX BUREAU
RECD.
OCT 24 1896
DEPT OF STATE.

DIPLOMATIC
OCT 26 1896
BUREAU

Mr. Denby to the

Secretary of State.

Answd. Oct 28.

Subject

The Berthemy Convention

Synopsis

American missionaries fear that the Chinese text of the amended Berthemy Convention may be construed to mean that deeds to land are to be in the name of the local church. Mr. Denby advises them that deeds may be in the Mission's name.

Two enclosures.

No 2602.

Legation of the United States.

Peking, September 18th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose a copy of a paper which was forwarded to me by the Consul General in his despatch No 282, of the 7th instant. I enclose also a copy of my answer to this despatch.

In this connection I call attention to my despatches Nos 2199, of April 19th 1895; 2204

of

of April 25th 1895, and 2257, of the 6th June 1895; and to the Department's despatch No 1109 of July 18th, 1895.

In the last despatch mentioned you direct me "to inform the "American missionaries that, when "occasion arises in cases of "purchases of real property by them, "you propose to take advantage "of the provision of the French "arrangement which dispenses "with the necessity of securing the "prior authorization of the local "authorities; and that you will "claim this privilege not only on "behalf of any reputable American "missionary organization but also "in behalf of any American citizens

engaged

"engaged in mission work".

In a circular to the consuls, bearing date September 6th 1895, I notified them of the substance of your instructions.

It will be seen by the first enclosure – which I cannot summarize with any advantage – that a large body of American citizens complain that the text of the amended Berthemy Convention is susceptible of the construction that deeds to land in the interior are to be written so that the land bought shall become "the public possession of the local Roman Catholic Church", and that such construction if applied to purchases by Protestant Missions is deemed prejudicial

to

to American interests.

In my answer to the enclosed memorial, I have given the correct rendering of the Amended Berthemy Convention and have undertaken to show that deeds need not neceeeanily be taken in the name of the "local church", or congregation, but may be taken in the name of the mission which buys the land whether incorporated or unincorporated.

The memorialists desire me to address to the Government of China a demand for a construction of the Amended Berthemy Convention in the sense set out by them. My own opinion is that this is inadvisable until an actual

case

case arises.

Unless otherwise instructed by you, I shall, at the proper time, insist on the construction of the Berthemy Convention as outlined in Departments despatch №. 1109, of July 18th, 1895, above cited; and in my despatch to the Consul General of which a copy is enclosed. Should I fail in this contention it will be necessary to consider the question whether or not a new convention with China, on the lines of the Berthemy Convention, shall be made. On this subject I will, of course, await your instructions.

I have the honor to be,

Sir,

Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. Copy of memorial from American missionaries.

2. Mr. Denby to Mr. Jernigan No 500, Sept. 15th, 1896.

Enclosure 1 in No. 2602

COPY.

Shanghai, China,

Sept. 3, 1896.

Hon. T. R. Jernigan,

United States Consul General,

Shanghai.

Dear Sir:

The undersigned citizens of the United States beg leave to call your attention to an important matter which we believe imperils the tenure of property by foreigners in the Interior of China; and would respectfully request your official opinion of the same.

We refer to the recently published Berthemy Convention, Chinese text, and the ambiguous form of words required to be used in executing title deeds conveying property to foreigners. The paragraph of the Convention referred to we herewith submit in Chinese text, with translation. The objectionable clause, to which special attention is invited, is that which forbids a clear statement in the deed to the effect that the property purchased becomes foreign property, and requires the use of an indefinite, ambiguous expression declaring that it is the "public possession of the local church". The clause reads: "It should be clearly written in the deed that the owner of the property sells it to become the public possession of the Roman Catholic church in that place, (i.e. the local church); there should not be recorded merely the name of the missionary or of Church members."

Now we respectfully contend that this expression "the local church" is wholly misleading; accurately construed it means something entirely different from what was intended, and its use defeats the very purpose for which the Treaty was made. In case

Enclosure 1 to No. 1200

COPY.

Shanghai, China,

Sept. 8, 1900.

Hon. T. H. Tsungli,

United States Consul General,

Shanghai.

Dear Sir:

The undersigned citizens of the United States does leave to call your attention to an important matter which we believe

important the feature of property by foreigners in the Interior of China: and would respectfully request their obtaining the same.

We refer to the recently published Peiping Convention, a copy of which is herewith enclosed, and its use

finds entirely different from what was intended, and its use

detracts the very purpose for which the Treaty was made. In case

case a lawsuit should arise regarding mission property,as it must do sooner or later owing to the employment of such ambiguous language, who"constitutes the local church?" What is the accurate definition of this term?

According to the view which prevails so far as we aware in all branches of the Protestant church, the expression "local church" must mean not the foreign missionaries but the native church, the Chinese congregation in a particular locality. The foreign missionary and the society which he represents in no sense constitute the local church. The missionary though at first from the nature of the case he must have entire control of the church and its property, is considered only an extraordinary and temporary officer. He is supposed to teach and administer the church only until such time as a native church with its own officers, its elders and deacons, or vestry, shall have been established. When the church in any place has been only constituted the missionary is expected to retire and the whole administration devolves upon native officers. The native congregation, with its own chosen representatives, thus really constitutes the "local church". Its officers as contrasted with the foreign missionary are permanent and ordinary and to them according to the constitution of the church belongs the right of controlling church property. So that when foreigners purchase property and are required by the Berthemy Convention to have their title deeds executed in the name of the "local church", they are really being compelled to sign away their property to the Chinese congregation.

It may be asked, if these objections are valid, why does not the Roman Catholic church, for whose benefit the Convention was originally framed, find fault with it? The answer is, because the peculiar constitution of the Roman Catholic Church does not allow their congregations to control church property but vests all power in the hands of the bishops and priests. The laity have

case a lawsuit should arise regarding mission property, in it must be borne in mind that the Holy See is the owner of such property and that the Ordinary is only the administrator. The Ordinary, with the consent of his Council, represents the "local church" and as such he is the defendant. Hence, the "local church" must be clearly defined. Does it consist only of the clergy, or of the clergy and laity? Does it include the Religious? Does it include the Catholic schools? Does it include the Catholic hospitals? Does it include the Catholic charitable institutions? Does it include the Catholic cemeteries? Does it include the Catholic press? Does it include the Catholic radio station? Does it include the Catholic television station? Does it include the Catholic motion picture industry? Does it include the Catholic publishing houses? Does it include the Catholic labor unions? Does it include the Catholic student organizations? Does it include the Catholic professional societies? Does it include the Catholic fraternal organizations? Does it include the Catholic social clubs? Does it include the Catholic athletic clubs? Does it include the Catholic Boy Scouts? Does it include the Catholic Girl Scouts? Does it include the Catholic Camp Fire Girls? Does it include the Catholic Knights of Columbus? Does it include the Catholic Daughters of America? Does it include the Catholic Holy Name Society? Does it include the Catholic Sodality? Does it include the Catholic Rosary Society? Does it include the Catholic Altar Society? Does it include the Catholic Ladies' Auxiliary? Does it include the Catholic Mothers' Club? Does it include the Catholic Parent-Teachers' Association? Does it include the Catholic Alumni Association? Does it include the Catholic Veterans' Organization? Does it include the Catholic Women's Club? Does it include the Catholic Men's Club? Does it include the Catholic Young People's Club? Does it include the Catholic Children's Club? Does it include the Catholic Infant Welfare Society? Does it include the Catholic Maternity Guild? Does it include the Catholic Ladies' Aid Society? Does it include the Catholic Ladies' Sewing Circle? Does it include the Catholic Ladies' Altar Society? Does it include the Catholic Ladies' Rosary Society? Does it include the Catholic Ladies' Sodality? Does it include the Catholic Ladies' Auxiliary? Does it include the Catholic Ladies' Mothers' Club? Does it include the Catholic Ladies' Parent-Teachers' Association? Does it include the Catholic Ladies' Alumni Association? Does it include the Catholic Ladies' Veterans' Organization? Does it include the Catholic Ladies' Women's Club? Does it include the Catholic Ladies' Men's Club? Does it include the Catholic Ladies' Young People's Club? Does it include the Catholic Ladies' Children's Club? Does it include the Catholic Ladies' Infant Welfare Society? Does it include the Catholic Ladies'

have thus no ground for any claim to proerty. Not so however in the Protestant church. Here the power of administration and control inheres in the laity, and is exercised by the congregations through their representatives chosen from among themselves, the elders and deacons, the vestry, etc, who are ex officio trustees of church property. While therefore the Roman church need not object to the wording of the Convention, the Protestant church by reason of the fact that its constitution allows greater freedom and privileges to the laity, and grants the congregations the right to control church property, cannot but strongly object to this provision of the Convention, and request that the title deed be so clearly worded as to render the right of foreigners to hold property indisputable.

That the above is a correct statement of the principles involved, and that according to those principles the expression "local church" when rightly interpreted must mean native church, we believe will be shown not only by an appeal to authorities on ecclesiastical law, but also to the decision of the lawcourts in the United States in cases of litigation regarding the possession of Curch property. If this be true, if "local church" is to be construed to mean native church, it follows that a title deed executed according to the Berthemy Convention really conveys property purchased by Americans for their own use and benefit to the Chinese. Such a deed does violence to the facts of the case. The foreigner purchases the property and is the rightful owner, yet the deed decalres that a different party owns it, viz. the "local" or native church. Such a deed is also directly contrary to the spirit and intention of the Treaty, and to the wishes of the purchaser in whose interest the deed is supposed to be executed. The very purpose for which the Treaty was framed was to enable foreigners to purchase and hold property; yet in the deed executed to carry out the intention of the Treaty, the foreigner

we believe will be shown not only by an appeal to authorities on ecclesiastical law, but also to the decision of the Lamcouts in the United States in cases of litigation regarding the possession of Catch property. It fits be time, if "local church" is to be construed to mean <u>duffy</u> church, it follows that a title deed executed according to the Baptemwy Convention Family conveys property bratchased by Americans for their own use and benefit to the Chinese. Such a deed does violence to the terse of the case. The foreigner bratchases the property and is the rightful owner, yet the deed declares that a different party owns it, viz. the "local" or native church. Such a deed is also directly contrary to the spirit and intention of the Treaty, and to the wishes of the bratchaser in whose interest the deed is supposed to be executed to carry out the intention of the Treaty, the foreigner

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the United States in cases of litigation regarding the possession

ecclesiastical law, but also to the decision of the Lamcouts in

we believe will be shown not only by an appeal to authorities on

foreigner is not allowed to have his name recorded as the owner of the property. It is contrary to the wishes of the purchaser because he is purchasing the property for his own use and benefit, and he has the deed executed for the purpose of securing the property to him, yet in the deed he finds that the property is conveyed to some one else. Such a method of procedure is calculated to stir up endless strife and litigation between foreigners and natives. Many natives will claim mission property because the deed is executed in the name of the native church, and many will no doubt after the lapse of time believe that the property was originally purchased for their use, and that when missionaries refuse to turn it over to them, they are being defrauded of their rightful possession. That this is a practical question and not an imaginary evil which may never arise one has only to note the trouble which missionaries in Japan have had for years regarding church property. There, by a system of procedure quite like that proposed by the Berthemy Convention, we see American citizens losing hundreds of thousands of dollars worth of property, purchased by them for their own use and benefit, because the title deeds were recorded in the name of natives. Perhaps it may be said that there is a difference in the situation in Japan from that in China: to us, in the main point the situation seems essentially the same. In Japan the deeds were held in the name of <u>individuals</u>, here the Berthemy Convention would require us to hold it in <u>the name of an organization</u>; but in both cases it is <u>in the name of natives</u>, and according to the wording of the deed they can lay claim to the property. Our contention is the deed should be held in the name of <u>Americans</u>; let the deed show plainly that a <u>foreigner</u> owns the property and all difficulty will be removed.

In conclusion, we would call attention to the fact that the

In conclusion, we would call attention to the fact that the proposed Reciprocal Convention', we see American citizens losing hundreds of thousands of dollars worth of property, hundreds of thousands of dollars worth of property, because the title cannot be transferred in the name of natives. Perhaps it may be said that there is a difference in the situation in Cuba from that in China: so we, in the main point the situation seems essentially the same. In Cuba the deeds were held in the name of Americans, here the Reciprocal Convention would require us to hold it in the name of an intermediary: but in both cases it is in the name of natives, and according to the wording of the deed they can lay claim to the property. Our contention is the deed should be held in the name of Americans: let the deed show bluntly that a foreigner owns the property and all difficulty will be removed.

proposed by the Reciprocal Convention, we see American citizens losing hundreds of thousands of dollars worth of property, because the title cannot be transferred in the name of natives. Perhaps it may be said that there is a difference in the situation in Cuba from that in China: so we, in the main point the situation seems essentially the same. In Cuba the deeds were held in the name of Americans, here the Reciprocal Convention would require us to hold it in the name of an intermediary: but in both cases it is in the name of natives, and according to the wording of the deed they can lay claim to the property. Our contention is the deed should be held in the name of Americans: let the deed show bluntly that a foreigner owns the property and all difficulty will be removed.

In conclusion, we would call attention to the fact that the

the Chinese officials are in most places insisting rigidly upon adherence to the form prescribed by the Berthemy Convention, and refuse to allow deeds to be executed in the name of foreigners or of foreign scoieties. The case of the Rev. J. R. Graham of Tsing Kiang-pu may be referred to as an example. Five years ago he purchased property for the Southern Presbyterian Mission, U.S.A and the officials under various pretexts delayed to stamp the deed. Finally, after five years delay, owing to consular pressure they consented to satmp the deed. Only however after having altered the original form of the deed, erasing the clause which stated that the property was purchased by the Mission of the Southern Presbyterian church of the United States, and substituting the phrase of the Berthemy Convention, declaring that the property was sold to become the public possession of the local church, and in other words conveying to the Chinese a property which rightly belonged to United States citizens.

We earnestly hope that the United States Government and its honored representatives in China will take prompt measures to remedy the evil, and secure for its citizens the right of holding property in their own name, or in that of the society they represent. It seems to us this could be accomplished by securing from the Tsungli Yamen a memorandum interpreting the Convention so as to admit of foreigners holding title deeds in their own name, or at least with their nationality inserted. A formal revision of Treaty should surely not be necessary. We cannot see how the Chinese Government can help granting the point as a matter of justice. They are confronted with this dilemma. The term "local church" prescribed by the Berthem Convention, must mean either natives or foreigners. If it is interpreted by them to mean native church, then they are clearly violating the intention of the Treaty because the Convention was framed to grant, and does in plain language grant to foreigners the right of buying property

the Chinese officials are in most bypass investing rightly upon adherence to the term prescribed by the Hoffman Convention, and refuse to allow deeds to be executed in the name of foreigners or to foreign societies. The case of the Rev. J. H. Chapman of Jining Kiang-hu may be referred to as an example. Five years ago he purchased property for the Southern Presbyterian Mission, U.S.A. and the officials under various pretexts delayed to stamp the deed. Finally, after five years delay, owing to counsel's presence in Peking, they consented to stamp the deed. Only however after having altered the original form of the deed, erasing the clause which stated that the property was purchased by the Mission of the Southern Presbyterian Church of the United States, and substituting that the property was sold to become the public possession of the local church, and it often works convenient to the Chinese a property which rightly belonged to United States citizens.

We earnestly hope that the United States Government and its

diplomatic representatives in China will take prompt measures to

Chapman

Treaty because the Convention was framed to Chapman, and does in

Chapman, then they are clearly violating the intention of the

drafters of Foreigners. It if is interpreted by them to mean drafts

Chapman" prescribed by the Hoffman Convention, must mean either

local office. They are confronted with this dilemma. The term "local

Chinese government can help finding the point as a matter of

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at least with their nationality inserted. A latest revision of

to admit of foreigners holding title deeds in their own name, or

the Yangtzu Kiang a memorandum interpreting the Convention so as

seem. It seems to us this could be accomplished by securing from

property in their own name, or in that of the society they repre-

remedy the evil, and secure for its citizens the right of holding

promoted representatives in China will take prompt measures to

property in the Interior. If it means foreigners, then we say write foreigners plainly in the deed, and settle the dispute once for all.

Trusting that this matter may receive your early attention, and thanking you for the interest you have always manifested in promoting the welfare of your fellow citizens in the Interior of China,

We remain,

Dear Sir,

With sincere regards,

Faithfully yours

(S'g'd)

W.E. Macklin F.C.M.S.

Hampden C.DuBose
James R. Graham Jr.
Mark B. Grier
Henry M. Woods
R. A. Haden
J. Y. McGinnis
James B. Woods
George C. Worth
L. L. Little
John W. Paxton
Hugh W White
M.H. Houston
J. L. Van Schoick
J. R. Wilkinson,M.D.
B. H. Franklin
A.Sydenstricker
B. C. Patterson
E.T. Williams
Calvin N. Caldwell
W.H. Hudson.

W.H. Hudson.
Calvin M. Caldwell
E.T. Millikan
B. C. Hartshorn
A.Sydenstricker
B. H. Franklin
L. K. Wilkinson, M.D.
L. L. Van Schoick
N.H. Houston
Hugh W. White
John W. Fenton
L. L. Little
George C. Wolff
James B. Woods
L. Y. McClintic
H. A. Haden
Henry M. Woods
Mark B. Grier
James K. Chapman Jr.
Hampden C.DuBose

W.E. Mackin T.C.U.S.

(2.3.4)

Equitable Power

Will anyone report,

Dear Sir,

We remain,

of Canada,

promotive the welfare of your fellow citizens in the Interior

has franklin von tor the interest von pure ultwye manifested in

- Trusting that this matter may receive your early attention,

tor all.

property in the Interior. If it means terminate, then we can

write terminate bluntly in the head, and settle the dispute once

Enclosure 2 in No. 2602.

No.500.

LEGATION OF THE UNITED STATES,

Peking, September 15th, 1896.

T. R. Jernigan, Esquire,

United States Consul General,

Shanghai.

Sir:

I have received your despatch No.282, of the 7th instant, enclosing a communication from a number of American citizens, which raises a question of considerable importance, touching the construction of the amended Berthemy Convention.

From the standpoint of the memorialists the question is treated with force and ability.

This Convention was adopted in the year 1865, and was amended in April 1895. In that month the Minister of France was notified by the Tsungli Yamen that it had issued to the various Viceroys and Governors circular instructions to carry out the provisions of the amended convention.

I append hereto an English translation of the French text, and a Chinese translation also of the French text. The translation of the Convention enclosed in your despatch differs materially from the above mentioned papers. The French official text reads as follows: "A l'avenir si des missionaires francais vont acheter des terrains et des maisons dans l'interieur du pays, le vendeur (tel ou tel ~~son~~ nom) devra specifier dans la redaction de l'acte de vente que sa propriete a été vendue pour faire partie des biens collectifs de la mission cathèlique de la localité."

The latter clause has been translated into English as follows: "the seller will specify in the title deed that his

No.203.

LEGATION OF THE UNITED STATES,

Tokyo, September 12th, 1882.

T. H. Hamilton, Esquire,

United States Consul General,

Shanghai.

SIR:

I have received your despatch No.238, of the 4th instant,

enclosing a communication from a number of Americans citizens,

which refers a question of considerable importance, touching the

construction of the amended Treaty Convention.

From the standpoint of the memorialists the question is

framed with force and ability.

This Convention was adopted in the year 1858, and was amended

in April 1866. In first month the Minister of France was notified

by the Tsungli Yamen that it had issued to the various Viceroys

and Governors circular instructions to carry out the provisions

of the amended Convention.

I append hereto an English translation of the French text,

and a Chinese translation also of the French text. The transla-

tion of the Convention enclosed in your despatch differs materi-

ally from the above mentioned papers. The French official text

reads as follows: "A l'avenir il des missionnaires Français voyt

dans l'intérieur de Chine, ils auront à exhiber leur passeport

revêtu (tel on fut ses nom) devra specifier dans la formation

de l'acte de vente sur un prêt à cette vente pour faire partie

des plans collectifs de la mission dont il sera question."

The latter clause has been translated into English as

follows: "the seller will specify in the title deed that it

his property has been sold to become part of the collective property of the Catholic Mission in the locality where it is situated."

The translation delivered to you by the memorialists reads as follows: "it should be clearly written in the deed that the owner of the property sells it to become the public possession of the local Roman Catholic Church." The last words"the local Roman Catholic Church" are not to be found in the official text. The words used are "the collective property of the Catholic Mission in the locality where it is situated." According, therefore, to the correct rendering of the official text the difficulty suggested by the memorialists, that deeds taken under the Berthemy Convention must be taken in the name of the "local church", meaning thereby in Protestant churches the "native congregation" does not exist.

I do not understand that the "Mission" and the "local church" are synonymous. In my circular to you of September 6th, 1895, I stated that I would claim the privilege contained in the Berthemy Convention which dispenses with the necessity of securing the prior authorization of the local authorities "not only in behalf of any American organization, but also in behalf of any American citizens engaged in mission work."

This view was founded on some of the considerations now urged by the memorialists. I understand, and so did the Department, under whose instructions I acted, that the French Catholic Mission is one compact organization for which alone the State claims conventional privileges, whereas the American organizations "are diverse and scattered, and no one of them can claim to be "the American Mission" in the same sense as the Catholic Mission is "the French Mission". The quotation is from a despatch from

I do not understand that the "Mission" and the "local church" are two entirely different. In my district of Pennsylvania, [illegible]. I should claim the privileges contained in the Pastoral Letter. I would claim the privileges contained in the Pastoral Letter. I desire that I would claim the privileges contained in the Pastoral Letter. I desire that I would claim the privileges contained in the Pastoral Letter. I desire that

from the Department. I hold that under the favored nation clause we are entitled to avail ourselves of the substantial privileges granted to other nations, and that as under the Berthemy Convention the French have secured the right to the Catholic Mission to purchase property in the interior, the same right enures to all of our Missions, whether Catholic or Protestant, or of any other faith.I hold further that the deeds need not state "that the owner of the property sells it to become the public possession of the local church", but that they may state "to become part of the collective property of the Mission" whatever Mission it may be incorporated or unincorporated.

The memorialists suggest that their purpose would be accomplished by securing from the Tsungli Yamen a memorandum interpreting the Convention so as to admit of foreigners holding title deeds in the name or at least with their nationality inserted, and that a formal revision of the Treaty is not necessary.

It would in my opinion be taken by China as a confession of weakness if a discussion were inaugurated which did not rest on an actual case. Let any Consul in whose jurisdiction such a case arises report the same to me. It will then be much more forcible to insist upon the desired construction of the Berthemy Convention as applicable to that case, and thus a precedent will be established. Besides in a matter of this importance it is advisable if not absolutely necessary to secure the definite instructions of the Department of State, especially as to whether a new convention should be made or not. You will please communicate the contents hereof to the memorialists.

I am, Sir,

Your obedient servant,

(Sgd) Charles Denby.

Yours obediently servant,

(Sgd.) Charles Sumner.

I am, Sir,

protect to the memorialists.

ought be made to not. Yon XIII bresse communicate the contents

the Department of State, especially as it appears a non-conveyance

not absolutely necessary to secure the territorial integrity of

ed. Besides it a matter of this importance it is whatsoever it

as applicable to that case, but this a precedent will be established

to insist upon the destruction of the Metropolitan Convention

exists report the same to me. It will then be much more complete

an actual case. Let me Consult it whose jurisdiction such a case

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final the Convention as it is result of interminate boundary line

(Sgd.) Charles Sumner.

Yours obediently servant,

I am, Sir,

protect to the memorialists.

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the Department of State, especially as it appears a non-conveyance

not absolutely necessary to secure the territorial integrity of

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ment of the Roman Catholic Religion to the Canadian mission

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DIPLOMATIC
NOV 4 1896
BUREAU.

ASSISTANT SECRETARY
NOV 2 1896
DEPARTMENT OF STATE.

No 2603.

DIVISION OF DIPLOMATIC REPOS.
31 1896
DEPT OF STATE

Legation of the United States.

Peking, September 21st, 1896.

Mr. Denby to the

Secretary of State.

Mr Rennie
8/c
8/12

Dft Ret
Ackg
WR

Subject

The locomotive contract

Synopsis

The contract for eight locomotives for the Chinese Railway awarded to the Baldwin Locomotive Works of Philadelphia-

No. 2603.

Legation of the United States.

Peking, September 21st, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

Referring to my despatch No. 2595, of the 4th September, I have the pleasure to inform you that the contract for eight locomotives for the Imperial Chinese Railways has been awarded to the Baldwin Locomotive Works, of Philadelphia. On the 14th instant, the Yamên informed me that orders had been sent to the

railway

railway administration at Tientsin to close with the above firm, the original lowest bidders.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

COPIED. FOREIGN RELATIONS

DIPLOMATIC
NOV 2 1896
BUREAU

ASSISTANT SECRETARY
NOV 2 1896
DEPARTMENT OF STATE.

No 2604.

Legation of the United States.

Peking, September 21st 1896.

DIPLOMATIC BUREAU
OCT 31 1896
DEPT. OF STATE

Secretary of State.
2 1896

Mr. Denby to the

Secretary of State.

Subject

Anti-foreign riots in China.

Ans'd. Nov. 3.

Ask approval of note to Yamên

Synopsis

Mr. Denby encloses copy of preliminary draft directed to be sent to the Tsungli Yamên. He will prepare the draft mentioned.

One enclosure.

No 2604.

Legation of the United States.

Peking, September 21st 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

In compliance with the Department's despatch No 1312, of July 28th last, relating to the subject of anti-foreign riots in China, I have addressed to the Tsungli Yamên a communication, of which a copy is enclosed. I inform the Prince and Ministers that you will hereafter present for their consideration measures

which

which you deem necessary to be adopted by China in order to prevent the occurrence of these outrages.

I shall, as soon as possible, comply with your direction that I prepare "a draft note", embodying the views set forth in the despatch above mentioned, with such other suggestions as I might think fit to offer, and should submit the same to you before presenting or discussing the subject with the Tsungli Yamên.

I have the honor to be, Sir,
Your obedient servant,
Charles Denby

Enclosure:

Mr. Denby to Tsungli Yamên
No 30 Sept. 21st 1896.

Enclosure in No. 2604.

Mr. Denby to the Tsungli Yamen.

No.30. September 21st, 1896.

Messieurs les Ministres:

I have the honor to inform you that my Government has been unavoidably prevented from making such representations to the Government of China as recent anti-foreign riots in China imperatively demand should be made.

This very important subject is still under advisement, and when a line of conduct has been matured it will be presented for the consideration of the Government of China.

It is assumed that it is the earnest desire of China to render the occurrence of outrages against foreigners in her borders impossible. It is assumed that consulting her own dignity and interest, and valuing her good name, she will readily adopt such measures as experience has shown to be best suited to that end.

In this day of contemplated reforms, and the inauguration of material progress, and schemes of improvement of all kinds, I unqualifiedly assert that the most important of all reforms, and the most beneficial of all improvements would be the rendering of foreign life and property safe and secure in the interior of China.

The Chengtu riots, the Kutien massacre, the very recent Kiang-yin outrages, and others of minor character, very plainly indicate that there is an overwhelming necessity for the Government of China to take strong and energetic action to enforce due consideration for the Imperial edicts, and the orders which emanate from time to time from the Tsungli Yamen, touching the status and treatment of foreigners resident in China. Under my instructions it is not proper for me at this time to set forth the measures which my Government will hereafter present for your consideration as necessary to be adopted in order to prevent the occurrence of the lamentable outrages which are deplored by both Governments.

I desire at this time simply to notify you that the whole subject is under careful consideration by my Government, and that it does not doubt that you will cooperate in meeting its wishes in a matter of such importance toward maintaining the amicable relations that have uniformly characterized both countries.

Messieurs les Ministres:

I have the honor to inform you that my

DIPLOMATIC
NOV 14 1896
BUREAU

No. 2605.

Rec'd Nov. 16.

RECEIVED
NOV 14 1896
DEPT. OF STATE

Legation of the United States.

Peking, September 24th, 1896.

Mr. Denby to the

Secretary of State.

Subject

Land cases in Consul Seymour's consular district

Synopsis

Land cases at Kiungchow, Sun-ning, Shai-kwing and Sam-weng or Lienchow settled.

One enclosure.

No 2605.

Legation of the United States.

Peking, September 24th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to enclose a copy of a despatch received from Consul Seymour wherein he reports that various land cases heretofore pending in his consular district have been settled.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

Enclosure:

Mr. Seymour to Mr. Denby No 531, September 10th 1896.

Enclosure in No 2605.

[Copy]

MR Seymour TO MR Denby

No 531. Sept 10th 1896

SIR:

I have the honor and pleasure to inform you that all contention has ceased about the title of the land property acquired two or three years ago by the American Presbyterian Mission at Dam Kong near Lien Chow. Three different sites had been bought by the Mission and surrendered, and purchase money returned because of opposition by the authorities at Lien Chow.

Finally a larger and better site was selected and purchased by the mission.

The local authorities severely punished the native seller and former owner, and confiscated the land and retit apart for other purposes.

Finally, during August 1896,

had

had the assurance that no further resistance would be offered, and now the deeds are to be authenticated and thus the last of several long contested cases has been arranged, so that you will miss from the monthly list of correspondence reference to contested land cases at Kiungchow Sun-Ning, Shai-Hsing and Sam-Kong or Lien Chow.

I am etc.,

[Sgd] Charles Seymour,

U.S. Consul.

COPIED. FOREIGN RELATIONS.

No. 2606.

Secretary of State.
NOV 14 1896

Legation of the United States,

RECD. NOV 14 1896

Peking, September 25th 1896.

DIPLOMATIC
NOV 19 1896
BUREAU.

Mr. Denby to the

Secretary of State.

Rec'd Nov. 25.

Subject:

Anti-foreign riots in China.

Synopsis:

A draft note concerning preventive measures to be taken is submitted.

One enclosure.

No. 2606.

Legation of the United States,
Peking, September 25th 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No. 2604, of the 21st instant, I enclosed a copy of a communication which I had addressed to the Tsungli Yamen as directed by you to do in your despatch No. 1312 of July 28th last.

I also informed you that I would prepare as soon as I could "a draft note" embodying your

your views, with such suggestions of my own as I felt authorized to make by the terms of your despatch.

I have now the honor to submit for your approval the enclosed draft note on the subject of the prevention of anti-foreign riots in China.

1/2606

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

Copy of draft note.

Enclosure in No 2606.

Messieurs les Ministres:

On the 21st day of September I had the honor, by the direction of my Government, to address to you a communication to the effect that my Government was carefully considering the subject of anti-foreign riots in China with the view to present to you thereafter another communication embodying its views on the measures that it desired to be adopted in order to prevent the occurrence of these lamentable outrages on the foreign residents in China.

I have the honor now by the order of my Government to address to you the following observations.

It is unnecessary to dwell upon the necessity that rests on China to secure the safety and security of foreigners residing in her borders. Such persons dwell in China by virtue of the Treaties and Conventions which recognize their right to remain in her territory. This right and the consequent duty of protection by the Government have been recognized in many Imperial edicts, and in many papers emanating from the Tsungli Yamen. In spite, however, of the most solemn assurances given by the Imperial Government from time to time that the foreigners in China would be protected, in spite of the issuance of passports, which on their face engage the Government to afford protection, there occur, year after year, almost month after month, riots and massacres, which startle, and shock the civilized world.

It is desirable that the subject of riots should be treated as a whole, for, while the incentive motives are not the same in all cases, the graver question of official responsibility, which underlies most anti-foreign riots in China, is (in all cases) the principal subject of the concern of my Government.

The earnest deisre of my Government, and it is confidently expected a like desire animates that of China, is to render the recurrence of outrages of this nature impossible by the adoption of such measures as experience has now shown best suited to that end.

The punishment of those who have actually participated in anti-foreign riots has rarely been as prompt, or as severe, as it ought to have been. It has required on the part of the foreign representatives great labor, and persistence, to secure even the mild punishment of delinquent officials in a few cases.

Although murders, and arson, and robbery have often resulted to innocent foreigners or their property from the plain negligence or connivance of local officials, there has been no case in which an adequate punishment has been inflicted on any official and very few cases in which any punishment whatever has been assessed against any official.

The erroneous idea is entertained in China by many of the officials and the people that money payments for injuries suffered constitute a complete indemnity. Money paid for injuries done in cases, in which reasonable care on the part of the officials would have prevented the infliction of such injuries, cannot be taken as complete satisfaction. In addition to the reimbursement of the sufferers there remains the vindication of the crime by the state which is the only deterrent of crime.

Nor does the punishment of a few ringleaders satisfy justice. The official,who deliberately stands by, and fails to intervene to protect innocent people, when he has at his disposition sufficient means to enable him to do so, is at least as guilty as the leader of a mob, who strikes the fatal blow.

The commission sent last year by my government to investigate the anti-foreign riots in Szechuan has stated its belief to be that: "the simplest

and most efficacious policy for the case is to insist that the local officials shall be held responsible, and punished, without further investigation than is necessary to establish the fact that such riots have occurred; for we are firmly convinced that, except in case of open rebellion, no such riots of any extent can take place if the local officials are energetic in the use of their influence, and the means that they have at their disposal." While this statement may not be applicable to every locality in China, it certainly does apply to every city, and considerable town. In such places there are ordinarily soldiers, and policemen, sufficient and able to prevent rioting if they are properly ordered to do so. Commander Newell in his report of the Kutien riots says that but for the inertness, inefficiency, and culpable negligence of certain provincial, and other authorities, whom he mentions by name, the massacre of Huashan could have been prevented.

There are other proofs of the necessity for more emphatic action on the part of the Imperial Government in enforcing, as there is no shadow of doubt it can do, due consideration for the Emperor's edicts, and its own orders, but it is unnecessary to enumerate them. The fact is notorious in China that officials can prevent riots if they choose to do so.

Any uprising against the authorities occurring anywhere in China is promptly put down by the strong hand. Secret societies are held firmly in check, and the members thereof are often tried and executed. Incipient conspiracies are unearthed, and promptly suppressed. In any offense against the Government the utmost vigilance, forethought, and strength are shown in dealing with the offenders. In the treatment of crimes committed against foreigners in place of vigor there is apathy, in place of activity there is sloth, in place of precautionary methods there is abso-

absolute indifference.

As illustrating these statements take, for example, the case of the recent riots at Chengtu. Incendiary and illegal proclamations were put up in public places days before the actual riots occurred, and some of these proclamations were the work of men in authority. The rioters assembled at the north-east corner of the city, and had to go the entire length of the parade ground, and past the soldiers camp, to the first point of attack. Although there were thousands of soldiers in Chengtu, and although destruction of foreign property went on very near the Viceroy's yamen, nothing whatever was done to check it. The destruction and looting at Chengtu lasted over thirty six hours, and during all this time the officials did nothing.

Anti-foreign riots are not sudden local uprisings of ignorant and malicious persons, as has sometimes been claimed, but all the proof shows that anti-foreign rioting and pillage and massacre are often arranged beforehand without much, if any, effort at concealment, and it is difficult to avoid the belief that the local officials are informed of, and at least tacitly approve of the felonious designs, which are concocted within their immediate sphere of duty. It is entirely plain, for instance, that there was a concerted action between the capital and the outlying towns in Szechuan, and that a general plan was organized to drive the foreigners from that province, and that the officials had knowledge thereof.

From the foregoing remarks it is necessarily to be inferred that the main remedy for existing evils, and the surest preventive of riots, will be the holding of the local officials to a personal accountability, and responsibility, for every outrage against foreigners that may occur in their jurisdiction. Such a line of conduct is in strict conformity with the usage prevailing in China with regard to all crimes and misdemeanors other than such

as concern foreigners.

My Government concludes that the best means to prevent the recurrence of anti-foreign riots in China, as far as Americans are concerned, for whom alone it speaks, would be to adopt the following measures:

1. The issuance of a formal declaration in an Imperial decree that American missionaries have the right to reside in the interior of China.

2. That American missionaries have the right to buy land in the interior of China, and that they have all the privileges of the Berthemy Convention, as amended in 1895, and that deeds taken by them shall be in the name of the Missionary Society or church which buys the land as that convention provides.

3. The determination of and formal declaration by China by Imperial decree to hold responsible, and promptly punish, not only all individuals, or officials directly, or remotely involved upon the occurrence of any riot in which peaceable American citizens have been involved, but, also, the Viceroy, or Governor of the province in which it has occurred, and who is directly responsible to the Throne for the acts and omissions of every one of his subordinates, although his only fault may be ignorance.

4. That the punishment of officials found guilty of negligence, or of connivance, with rioters shall not be simply degradation from, or deprivation of office, but that they shall be, in addition, rendered forever incapable of holding office, and shall also be punished by death, imprisonment, confiscation of property, banishment, or in some other manner under the laws of China in proportion to the enormity of their offense.

5. That immediately after the occurrence of a riot, an edict shall issue granting all necessary safe guard to an American Commission to visit the locality, and take all required proof as

to the causes of the riot, including the conduct of the officials, and all other matters appertaining thereto, and the utmost facility shall be furnished such commission to discharge its duties.

6. That the Imperial decrees embodying the above provisions shall be prominently put up and displayed in every yamen in China.

In the foregoing demands, and suggestions, my Government has not undertaken to go into detail of everything that should be done after a riot has occurred, such as compensation to be paid for injuries, the right of the American citizens to return to the scene of the riot and abide there, the ceremonies to be observed by the local officials in reinstating sufferers in their rights, and other matters which can be better discussed as occasion may require. My Government has simply endeavored to outline in the general the measures that should be taken by China to prevent the recurrence of riots. This is the great object that it has in view in addressing this communication to the Prince and Ministers, and it has no doubt that the Government of China shares to the full its desire to prevent the recurrence of anti-foreign riots.

My Government indulges the hope that early action will be taken by China on the lines indicated so that the good relations existing between the two countries may be confirmed and strengthened.

DIPLOMATIC
NOV 2 1896
BUREAU.

No 2607. Acker Nov. 2. 96

INDEX BUREAU
RECD.
31 1896
DEPT. OF STATE

Legation of the United States.

Peking, September 25th, 1896.

Mr. Denby to the

Secretary of State.

Subject

Reply to circular of July 25th last.

Synopsis

The currency question in China:
being replies to the interrogatories
in the Department's circular
of July 25th last as far as they
could be given

No. 2608.

Legation of the United States,

Peking, September 29th, 1896.

RECEIVED
OCT 14 1896
DEPT. OF STATE

Mr. Denby to the

Secretary of State.

Subject:

Stationing a ship at Tientsin the coming winter.

Synopsis:

The propriety of doing so discussed in the enclosure, being a despatch to the Admiral.

One enclosure.

No 2608.

Legation of the United States,

Peking, September 29th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform you that the Peiho river is now scouring out. It is supposed that in a short time the U.S.S. "Monocacy" that has been at Tientsin for nearly a year, will be able to get out.

As navigation closes in this quarter, about the middle of December, it becomes important to

to determine soon what action, if any, shall be taken towards stationing a ship at Tientsin during the winter.

I have addressed to the Admiral a communication on the subject.

As the question may be discussed by the Honorable Secretary of the Navy and yourself, I enclose a copy of my despatch to the Admiral.

1/2608

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

Mr. Denby to Rear Admiral F. V. McNair

Sept 29th 1896.

Enclosure in No. 2608.

Naval No. 12.

LEGATION OF THE UNITED STATES,

Peking, September 29th, 1900.

Rear Admiral F. V: Mc Nair,

Commanding U. S. Naval Force on

Asiatic Station,

Yokohama, Japan.

Sir:

I have the honor to inform you that I have received from our Consul at Tientsin an urgent appeal that I should request you to station a gun boat at that Port during the coming winter.

The Consul therein correctly states that the presence of such a vessel at that Port creates a moral effect that has its influence all over North China.

Certainly it would be dangerous, and consequently unwise, to leave this portion of China without any military protection during the months in which navigation closes, when it is cut off from the outside world. As our Navy has in the past done its full share in protecting the foreigners in this quarter, it may be that arrangements can now be made with the Representatives of other Powers to do this duty.

Whether if you decline to send a ship to Tientsin a guard should be sent does not come within my province to argue. There are objections to such a course which will more readily occur to you than to me. The Consul thinks such action would have little effect. I submit the whole subject to your better judgment.

I shall send a copy of this communication to the State Department for its information.

I have the honor to be, Sir,
Your obedient servant,
(Sgd) Charles Denby.

NAVAL NO. 15

GOVERNMENT U. S. NAVAL FORCES ON
DUTY WITH THE ALLIED NAVIES
IN EUROPEAN WATERS

FROM ADMIRAL W. W. NO NAME,
COMMANDING U. S. NAVAL FORCES ON
DUTY WITH THE ALLIED NAVIES
IN EUROPEAN WATERS.

TO ADMIRAL JOSEPHUS DANIELS,
SECRETARY OF THE NAVY,
WASHINGTON, D. C.

SIR:

I have the honor to inform you that I have temporarily
[illegible] command of the United States Naval Forces on
duty with the Allied Navies in European waters during the
absence on leave in the United States of Admiral [illegible].

I have the honor to forward herewith a report of the
operations of the United States Naval Forces on duty with
the Allied Navies in European waters during the month of
[illegible] 1918.

Respectfully,

W. W. NO NAME,
Admiral, U. S. Navy,
Commanding U. S. Naval Forces on
Duty with the Allied Navies
in European Waters.

No. 2609.

Legation of the United States.

Peking, September 30th, 1896.

Mr. Denby to the

Secretary of State.

Subject

Acknowledging despatches received.

№ 2609.

Legation of the United States.

Peking, September 30th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows: №1320 of August 11th; 1321 and 1322 of August 18th; 1323, 1324 1325, 1326, 1327 and 1328 of August 20th.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

COPIED. FOREIGN RELATIONS

ASSISTANT SECRETARY
NOV 18 1896
DEPARTMENT OF STATE.

Secretary of State.
NOV 14 1896

RECD.
NOV 14 1896
DEPT. of STATE

No. 2610.

Legation of the United States,

Peking, October 3rd, 1896.

Mr. Denby to the

Secretary of State.

Recd. Nov. 19.

DIPLOMATIC
NOV 18 1896
BUREAU.

Subject:

Anti-foreign riots in China.

Synopsis:

The Yamen responds to the Minister's despatch in a conciliatory manner.

One enclosure.

No 2610

Legation of the United States,
Peking, October 3rd, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No 2604, of September 21st, I enclosed a copy of a despatch relating to anti-foreign riots in China, which was sent by your direction to the Tsungli Yamen.

I now have the honor to enclose a translation of a despatch received from the Yamên in reply to my despatch.

It

It will be seen that the enclosure is conciliatory and satisfactory in tone.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

The Tsungli Yamên to Mr. Denby

No 38 September 24th, 1896.

Enclosure in No.

The Tsungli Yamen to Mr. Denby.

No.38 Peking, September 24th, 1896.

Your Excellency:

The Prince and Ministers have had the honor to receive a communication from the Minister of the United States wherein he states that his Government has been unavoidably prevented from making such representations to the Government of China as recent anti-foreign riots in China imperatively demand should be made; that the whole subject is under careful consideration by the Government of the United States and that it does not doubt that China will cooperate in meeting its wishes in a matter of such importance toward maintaining the amiable relations that have uniformly characterized both countries.

In reply, the Prince and Ministers have the honor to state that in the matter of missionaries preaching the Gospel in the interior it is only necessary that both Chinese and foreigners should be commanded to observe the Treaties and thus there will be no cause for trouble.

The Yamen appreciates very much indeed the idea of the Honorable Secretary of State devising a plan which may prove beneficial to both countries and if the plan decided upon is not in contravention to Treaty stipulations China will certainly in a spirit of friendliness come to a suitable decision.

Enclosure in No.

The Turkish Admen to Mr. Denby.

No. 38

Excellency:

The Prince and Ministers have had the honor to receive a communication from the Minister of the United States informing them that the Government of the United States has been informed that certain representations to the government of China as regard anti-foreign riots in China temporarily demand should be made: that the W ole subject of under consideration between the government of the United States and that it does not seem necessary that any instructions China will certainly in a conference to Treaty affiliations as to a unitarie description.

The Yamen appreciates very much indeed the idea of the Honorable Secretary to state clearly a plan which may prove penetrating to arrive at a solution of the Treaties and thus there will be opened up communication between the government and the people in order to bring about harmony between the two countries.

The Yamen has the honor to avail itself of this opportunity to renew to the Minister the assurance of its highest consideration.

DIPLOMATIC
NOV 14 1896
BUREAU.

No. 2611

Legation of the United States,

Peking, October 3rd, 1896.

Mr. Denby to the

Secretary of State.

To Civil Service Com'n. Nov. 16. Acknd. Nov. 23,

Subject:

Interchange of reports with the Civil Service Commission.

Synopsis:

China issues no annual reports. Rules governing examinations will be furnished if desired.

Two enclosures.

No 2611

Legation of the United States,
Peking, October 3rd, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that on receipt of your circular of the 30th July last - relating to the interchange of reports of the United States Civil Service Commission - I immediately addressed the Tsungli Yamen on the subject.

611 I enclose a copy of my communication to the Yamên.

I

I also enclose a translation of the Yamen's answer.

It appears, therefore, that the selection of civil officials in China is governed by a code of rules which are printed in special book form, and that annual reports are not published. After the examinations a list of the successful candidates is published.

The Yamên enquires whether you desire to have the rules of the Board of Civil offic and rules of the Board of Examiners, or a list of successful candidates at the examination.

No purpose can be served by forwarding a list of successful candidates

candidates, but possibly the rules mentioned might be of some service to the Civil Commission. I have, therefore, asked that they be furnished and will forward them to you if they are desired.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. Mr. Denby to the Tsungli Yamen.

September 23rd, 1896.

2. The Tsungli Yamen to Mr. Denby,

September 30th, 1896.

Enclosure 1 in No. 2611

Mr. Denby to the Tsungli Yamen.

September 23rd, 1896.

Messieurs les Ministers:

I am directed by my Government to inform you that the United States Civil Service Commission would be glad to exchange with the Government of China copies of its annual reports with those of China relating to the administration of its civil service.

Should the Government of China desire to make such exchange such reports as it may furnish may be sent directly to the United States Civil Service Commission, Washington, U. S. A. Or if that is not practicable they may be sent through the correspondent of the Smithsonian Institution: the Zi-ka-wei Observatory, Shanghai.

If you desire to make the exchange as asked you will please inform me of the mode in which you prefer to make it. Rules for the transmission of such reports will then be transmitted to you. It is proper to state that the United States Civil Service Commission has official charge of the examination of applicants for office and that its duties are analogous to those of the officers who conduct the examinations of a like nature in China. I am not aware that the Government of China publishes such official reports as are now called for, still it was my duty to present the question to you as I was directed to do by my Government.

Messrs. Dennys to the Tsungli Yamen.

September 8th, 1880.

I am directed by my Government to inform Your Highness that the United States Civil Service Commission would be glad to exchange with the Government of China copies of its annual report with those of China relating to the administration of its civil service.

Should the Government of China desire to make such exchange it would be glad to have such reports as it may furnish sent directly to the United States Civil Service Commission, Washington, U. S. A. or it would be glad to receive from Your Highness the correspondence that is not practicable that may be sent through the Chinese Minister to the United States.

Signed: Chester A. Arthur

It is proper to state that the United States Civil Service Commission has official charge of the examination of applicants for office and that its duties are analogous to those of the officers who conduct the examinations of a like nature in China. I am not aware that the Government of China publishes such official reports as are now called for, still if I am in duty to present the question to you as I was directed to do by my Government.

Enclosure 2 in No. 2611

The Tsungli Yamen to Mr. Denby.

Peking, September 30th, 1896.

Your Excellency:

We have had the honor to receive Your Excellency's note of the 23rd of September wherein you state that you have been directed by your Government to inform the Yamen that the United States Civil Service Commission would be glad to exchange with the Government of China copies of its annual reports with those of China relating to the administration of its Civil Service Should the Government of China desire to make such exchange, such reports as it may furnish may be sent directly to the United States Civil Service Commission, Washington, U. S. A. Or if that is not practicable they may be sent through the correspondent of the Smithonian Institute--the Zi-ka-wei Observatory, Shanghai.

Your Excellency further states that if the Yamen desires to make the exchange as aked to please inform you of the mode in which it is preferred to make it and rules for the transmission of such reports will then be transmitted to you etc.

In reply, we beg to inform Your Excellency that the selection of civil officials in China is governed by a Code of rules promulgated by the Board of Civil Office, and rules for Literary examinations issued by the Board of Ceremonies, which are printed in special book form. Annual reports are not published in China.

At the Provincial and metropolitan examinations high officers are appointed as examiners. After the examinations a list of the successful candidates is published. These examinations are held triennially. No annual reports are published.

We do not know by the remark of the Honorable Secretary of

Tientsin.

Your Excellency transmitted herein a request that it be known whether or not the Chinese Government is prepared to pay the expenses of the transmission of such reports will then be transmitted to you etc.

which it is proposed to make if one later for the transmission make the expenses as asked to pursue information of the note in

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Tsungli Yamen to Mr. Denby.

Peking, September 30th, 1880.

Your Excellency:

We have had the honor to receive Your Excellency's note of the 8th of September whereby you state that you have been directed by Your Government to inform the Yamen that the United States Civil Service Commission would be glad to exchange with the Government of China copies of its annual reports with those of China relating to the administration of its Civil Service should the Government of China desire to make such exchange, such reports as it may think may be sent directly to the United States Civil Service Commission, Washington, U. S. A. Or it that is not practicable they may be sent through the correspondent of the Smithsonian Institute--the Li-ka-wei Observatory.

of State as to the exchange of annual reports whether he would like the rules of the Board of Civil office and rules of the Board of Ceremonies or list of successful candidates at the examinations.

We would be pleased to hear from Your Excellency on this point so that action may be taken accordingly.

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We would be pleased to hear from Your Excellency on this point so that action may be taken accordingly.

No 2612

ASSISTANT SECRETARY
NOV 30 1896
DEPARTMENT OF STATE

Legation of the United States,
Peking, October 5th, 1896.

INDEX BUREAU
RECD.
NOV 30 1896
DEPT OF STATE

Mr. Denby to the
Secretary of State.

Transmitted Dec. 3.

DIPLOMATIC
DEC 1 1896
BUREAU.

Subject:
Claim of American Trading
Company.

Synopsis:
Yamen claim that beans could not before hostilities have been exported from Newchwang.
Objection considered strong.

Two enclosures.

No. 2612

Legation of the United States,
Peking, October 5th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

Referring to my despatch No. 2586 of the 28th August last I have now the honor to enclose a translation of a communication from the Tsungli Yamen, on the subject.

1/2612

I enclose, also, a copy of a despatch from me to the Consul General on the subject.

2/2612

It will be seen that the matter

matter has taken on a new
aspect in this that China now
claims that beans and beancake
could not before the hostilities
have been exported from
Newchwang. If that
proposition is true, as it
seems to be, I fear that the
claim of the American Trading
Company is untenable. Before
final conclusion, however, I will await
an answer to the Yamen's contention
from the Trading Company.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures:
1. The Tsungli Yamen to Mr. Denby
No 85 September 10th, 1896.

2. Mr. Denby to Mr. Jernigan
No 503 September 23, 1896.

Enclosure 1 in No. 2612

The Tsungli Yamen to Mr. Denby.

No.35 Peking, September 10th, 1896.

Your Excellency:

Upon the 27th August last, the Prince and Ministers had the honor to receive a communication from the Minister of the United States, wherein he acknowledged the receipt of the Yamen's communication of the 17th ultimo, refusing to order the payment of a claim of the American Trading Company, which was presented to the Yamen by direction of the Honorable Secretary of State; that on the 24th of November 1894 he addressed a note to the Inspector General of Imperial Maritime Customs making certain enquiries, and on the 29th idem received his reply stating "whether the case is one for reparation to be made seems to be a point deserving of further consideration"; that further consideration has been had and it is perfectly clear that the Government of China is liable for the loss suffered, and a demand for payment of this claim is made.

The Yamen sent instructions to the Inspector General of Customs to report on the case. He has now reported as follows:

"By treaty between China and Japan, Japanese vessels are not allowed to export beans or bean-cake from Tungchow and Newchwang.

If, by treaty, in time of peace, these articles cannot be exported, how much less can they be exported in time of war.

If, therefore, it should happen that vessels of other foreign nationality load beans and a special application is made for Japan, how could the Customs in violation of the spirit of Treaty make out documents for them.

In regard to the two steamers chartered by the American Trading Company, the Customs at Newchwang issued permits to load

Yours very truly,

Inspector General of Customs.

Peking, September 10th, 1920.

No. 32

Sir,

I have the honour to report that the Prince and Minister upon the 25th August last, left Peking for Hankow en route for Changsha to report on the case. He has now returned as follows:

"By (train) between Chiao Ho-chen and Hankow, temperature was not allowed to exceed 90 in the shade or 100 in sun-shine (from Inspectors Memorandum.

It, (by train), in some of hence, these articles cannot be exported, now must be exported from Hankow.

It, (steamer), it should happen that vessels of other foreign nationality land cargo for a special application is made for transhipment, how could the Customs in violation of the spirit of Treaty make any deduction for that.

In regard to the two steamers chartered by the American Trading Company, the Customs at Newchwang issued permits to load

[illegible]

load and discharge cargo and the vessels then left the port. There was not the slightest delay caused by the Customs. So far as these vessels taking a circuitous route to Shanghai is concerned it may be stated that the Customs did not compel them to do this.

The vessels reported that they were to transport beans; the Customs issued a duty memo and when the duty had been paid a permit was issued to ship. On payment of the entire amount of duties the Customs issues a port clearance. The port clearance is then taken to the Consul concerned for the ship's papers. A report is made to the Consul stating the port to which the vessel is to go, and a Consular clearance is then issued permitting the vessel to proceed to the port named. The above detailed rule is provided by Treaty and is therefore entirely in accordance therewith.

The Consul concerned decides the question as to the port a vessel clears for. The Customs hitherto have never enquired into this question. If, on account of the vessels taking a circuitous route, extra expense has been incurred, it is right that the vessels should bear the responsibility and not the Customs.

In regard to his (the Inspector General's) reply to Mr. Denby U. S. Minister, as to the point of further consideration of the subject, which applies to the case in question, it may be stated that, the remark "whether the case is one for reparation to be made seems to be a point deserving of further consideration", does not admit that China recognizes that she should pay the claim.

It is now two years since the case in question occurred and it seems very strange that a claim should now be presented. To argue the case either upon principle or facts, the Customs at Newchwang are not at fault. The said steamers taking a circuitous course was not caused by the Customs.

There are no circumstances attending this case that warrant a demand for compensation, and considering the circumstances there

load and discharge cargo and the vessels then left the port. There was not the slightest delay caused by the Customs. So far as these vessels taking a circuitous route to Shanghai is concerned it may be stated that the Customs did not compel them to do this.

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There are no circumstances attending this case that warrant a demand for compensation, and considering the circumstances there

there is no principle by which a claim for indemnity should be recognized."

The Prince and Ministers would observe that the report of the Inspector General of Customs represent on every point the real facts of the case, and as in duty bound they address this communication to the Minister of the United States requesting him to inform the American Trading Company for their guidance as well as to communicate the above for the information of the Honorable Secretary of State.

Enclosure 2 in No 2612

Copy.

Mr. Denby to Mr. Jernigan.

No.503. September 23rd, 1896.

Sir:

I have received your despatch No.285, of the 12th instant, relating to the claim of the American Trading Company.

Referring to my despatch No.502, of the 16th instant, it will be seen that the discussion has taken on a new aspect. The Yamen claims that "by treaty between China and Japan, Japanese vessels are not allowed to export beans and bean-cake from Tung-chow and Newchwang".

The Customs notice on which the Company relies, of October 24th, reads as follows: "Beans and bean-cake may be exported by neutrals as before the outbreak of hostilities".

It is necessary, therefore, to show that <u>before hostilities</u> beans and bean-cake were allowed to be exported from Newchwang. In this connection I call attention to Section 4 of Rule V, p 29, Chronicle and Directory 1896. It reads as follows: "4. The export of pulse and beancake from Tung-chow and Newchwang under the British flag is prohibited. From any other of the ports they may be shipped on payment of the tariff duty to other ports of China or to foreign countries".

This rule is appended to the Chinese Customs Tariff. I request you to allow the Trading Company to see this despatch.

I would be glad to receive from it any argument it may choose to advance in support of its claim.

I am etc.,

(S'g'd) Charles Denby.

(2.8.4) Charles Denby.

I am etc.,

to advance in support of its claim.

I would be glad to receive from it any statement it may choose

dress now to allow the Trading Company to see this despatch.

This note is appended to the Chinese Customs Tariff. I re-

duty on the foreign commodities."

may be applied on payment of the tariff duty to other ports of

British Line is prohibited. From any other of the ports they

Chronicle and Directory 1880. It reads as follows: "4. The ex-

port of bones and peanuts from Tung-chow and Newchwang under the

in this connection I call attention to Section 4 of Rule V, p 98,

peans and pean-cake were allowed to be exported from Newchwang.

If is necessary, therefore, to show that <u>before possibilities</u>

mentions as before the outbreak of hostilities."

Sir: reads as follows: "Beans and pean-cake may be exported

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crow and Newchwang;"

xxxxels are not allowed to export beans and pead-cake from Tung-

Xmen claims that "by treaty ports between China and Japan, Japanese

will be seen that the discussion has taken on a new aspect. The

Referring to my despatch No.203, of the 10th instant, it

Letter to the claim of the American Trading Company.

I have received your despatch No.282, of the 15th instant,

SIR:

No.203. September 23rd, 1880.

NT. Denby to Mr. Tsungli.

(1 copy.

COPIED. FOREIGN RELATIONS.
ASSISTANT SECRETARY
NOV 30 1896
DEPARTMENT OF STATE

No 2613

Legation of the United States,

Peking, October 13th, 1896.

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DIPLOMATIC
DEC 1 1896
BUREAU.

Mr. Denby to the

Secretary of State.

Wash. Dec. 3.

Subject:

The case of Chiang Hsii-chu.

Synopsis:

Yamen refused Minister's request to allow Consul General to be present at revision of the case against this man. No further action will be taken without instructions.

One enclosure.

No 2613

Legation of the United States,
Peking, October 13th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to make the following report touching the case of one Chiang Hsii-chu.

This man was one of the persons who was charged with exhuming a dead body and reburying it in the American Mission premises at Kiang-yin. This act caused the riot at that place last spring.

The

The missionaries claim that Chiang is innocent, and that the confession made by him, of his guilt, was wrested by torture, and individual missionaries and the Presbyterian Convention assembled at Shanghai have asked this Legation to intercede in the man's favor.

His guilt or innocence has no particular bearing on the matter now presented to your consideration, but it is proper to state that the Chinese magistrate who tried Chiang denies utterly that he was tortured, and reports officially that his confession was voluntary.

Chiang was tried at Kiang-yin

Kiang-yin and found guilty and sentenced to be strangled to death. The 4th instant I received from the Consul General the following telegram:

"Chiang (written Jiang)
"now being held before
"criminal judge Soochow
"in my district. Should
"I ask to be present."

I answered as follows the 4th instant:

"If Jiang's trial concerns
"outrage on Americans attend
"it."

Subsequent telegrams from the Consul General asked that orders be issued delaying the trial until he could arrive and directing

directing the Provincial judge to allow him to be present.

I addressed the Yamen in writing on the subject and on the 9th instant had a personal interview with them of nearly three hours duration in which the whole matter was discussed.

I claimed that under the third clause of section 3 of the Chefoo Convention I had the right to be represented at the trial of Chiang. This clause reads as follows:

"It is agreed that whenever a crime is committed affecting the person or property of a British subject, whether in the interior or at the open ports the British Minister shall be free to send

send officers to the spot to be present at the investigation."

The Yamen claimed that Chiang's case went before the Provincial judge for revision simply, that from him it would go to the Board of Punishments and thence to the Throne; that the "investigation" was had at Kiang-yin; that Chiang was tried for the commission of a crime against Chinese law, and the Americans had no interest in the proposed revision; and they refused to allow the Consul General to be present.

1/613 I enclose a translation of a communication presenting the views of the Yamen more in detail.

I

I was induced to take the course
I did take by the knowledge
that the missionaries were taking
a great interest in this case as
appeared from their own communications
to me and from numerous despatches
of the Consul General, who endorsed
their views warmly.

It occurred to me, also, that
the presence of an American official
would tend to bring out the truth
as to Chiang's complicity in the
crime of which he was accused,
and that it would be progress
in the right direction if China
could be induced to allow such
a trial to be had with an
American Consul present -
especially as the Consul at
Chinkiang

Chinkiang was not present at the original investigation. I do not think, however, that we are in a position to insist on our right to be present at every step attending the trial of a Chinese subject - although the act of which he is accused was the cause of a riot in which American property was injured - after an investigation of matters connected with the riot has been had.

I can find no authority for demanding such right to be present except in the Convention above quoted, and its language does not seem to be broad enough to cover all the revisions of criminal

criminal cases which are called for by the Chinese law.

Unless otherwise instructed I shall take no further steps in the matter.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

The Tsungli Yamen to Mr. Denby

October 10th, 1896.

Enclosure in No. 2613

The Tsungli Yamen to Mr. Denby.

Peking, October 10th, 1896.

Your Excellency:

At the interview Your Excellency had at the Yamen on the 8th instant you stated that under the Chefoo Convention the U. S. Consul General had a right to go to Soochow to be present at the trial of the Kiang-yin missionary case. The case was thoroughly discussed but the Yamen could not carry out Your Excellency's view. Your Excellency held to the views you had expressed.

The Yamen now begs to explain to Your Excellency the reason why your request cannot be entertained.

The Chefoo Convention reads:

"It is further understood that so long as the laws of the two countries differ from each other, there can be but one principle to guide judicial proceedings in mixed cases in China, namely that the case is tried by the official of the defendant's nationality merely attending to watch the proceedings in the interest of justice. If the officer so attending be dissatisfied with the proceedings it will be in his power to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case".

The intent of the above clause is to provide that in international cases officials of both the plaintiffs'and defendants' nationality may attend court to watch the proceedings. But in this case Chiang Hsu-chu and the other criminals were guilty of exhuming a corpse which they burried in the missionary premises for the purpose of causing trouble.

The Chinese Convention reads:

"It is further understood that no [illegible]

[illegible] the two countries differ from each other, there can be [illegible]

principle to guide judicial proceedings in mixed cases in China,

namely that the case [illegible] official of the defendant's

nationality merely attending to watch the proceedings in the in-

terest of justice. If the officer so attending be dissatisfied

with the proceedings it will be in his power to protest against

them in detail. The law administered will be the law of the

nationality of the officer trying the case."

The intent of the above clause is to provide that in inter-

national cases officials of both the plaintiff and defendant's

nationality may attend court to watch the proceedings. But in

this case Chinese Han-chun and the other criminals were guilty of

examining a corpse which had lain in the missionary premises

for the purpose of causing trouble.

The Taotai Hsueh of Wu. Dated

[illegible] Excellency

At the interview your Excellency [illegible]

on the 8th instant you stated that under the Chefoo Convention

the U. S. Consul General had a right to go to Soochow to pre-

[illegible]

[illegible]

[illegible]

The local officials have pronounced judgment upon them in accordance with the statutes of China and have not shown any bias or been ungrateful to the missionaries. The indemnity claimed has also been paid and the missionaries have agreed that the case be closed. The Consul has also considered the case as settled and has made no objection to the terms of settlement.

It must be borne in mind that the judgment rendered has been in accordance with the laws of China. The request of the missionaries that clemency be shown to Mr. Chiang cannot be entertained by the Yamen. Mr. Chiang was a neighbor of the missionaries and he in league with Huan Chi-yo arranged the plot to exhume the corpse of the female child of the family of Yuan and bury it in the rear court yard of Mr. Haden's missionary premises,-their idea being to extort money from him. Their action resulted in the plundering and destruction of the missionary premises. It may be observed that there are cases of an international nature where the punishment of criminals would have been more severe,-i.e. by decapitation. The local officials have decided this case in accordance with the statutes of China.

According to the statutes of China, the principal offender, guilty of exhuming a corpse suffers the death penalty by decapitation; an accessory by strangulation.

Chiang Hsu-chu admitted that he had arranged a plot to injure the missionaries by burying the corpse in their compound and the punishment pronounced that he should suffer death by strangulation,-is just and proper.

The missionaries now come forward and relying upona one-sided statement made by the women of Chiang's family say that the Magistrate had decided the case unjustly. The Taotai at Chinkiang Mr. Lu, tried the case and the prisoner admitted his guilt as he

The local officials even pronounced judgment upon them in accordance with the statutes of China and even went so far as to impose fines to defray the expenses of the missionaries. The local officials even decided this case and the prisoner admitted his guilt as he was released. The Consul at Chinkiang

the bringing and destruction of the missionary premises. It was observed that there are cases of an international nature that require much more time for the punishment of criminals would have been more severe-, i.e. by decapitation. The local officials even decided this case in accordance with the statutes of China.

According to the statutes of China, the principal offender, guilty of examining a corpse without the death penalty of decapitation; an accessory by strangulation.

Chinese Han-chu admitted that he had attempted a plot to injure the missionaries by putting the corpse in their compound and the Government pronounced that he should suffer death by strangulation-, let just and proper.

The missionaries now come forward and relying upon one-sided statement made by the women of Chinese family are that the Consul at Chinkiang had decided the case unjustly. The Consul at Chinkiang

M. Du, filed the case and the prisoner admitted his guilt as he

he did in the lower court. Judgment has therefore been pronounced upon him and the urgent request that the Consul General should attend Court and watch the proceedings, is one, which the Yamen cannot comply with. This case being sent to the Provincial judge merely means that that officer is to look over the evidence. It does not necessarily mean that a new trial is to take place. It is for the Board of Punishments to decide at the autumnal assize as to the real facts of the case and as to whether there should be a postponement of the execution. The Provincial judge cannot determine this question.

It makes no difference what may be the nature of a Chinese case, it must be determined by Chinese law and there is no need for a Consul to watch the proceedings. There would be no advantage to be derived from it. Hence the Yamen sees no reason why the Consul General should be present to watch the proceedings.

The Yamen would observe that the best relations have always existed between the United States and China. The 4th Article of the Supplemental Treaty between the United States and China is clear and explicit as to the question of mixed cases. It does not therefore appear necessary to quote the Treaty between China and Great Britain.

The Yamen finds it difficult to comply with Your Excellency's request and beg that you will inform the Consul General and the missionaries of its decision.

No. 2614.

Legation of the United States,

Peking, October 18th, 1896.

18

Mr. Denby to the

Secretary of State.

Subject:

Revision of Treaty and local taxation.

Synopsis:

Questions raised by Chamber of Commerce. Japan acts alone. Other Ministers decline to take action. Discussion of the proposals of China as to increase of tariff.

Acknd Jan 12/97.
See note to Mr. Denby dispatch No. 15 Mr. Pierce Jan 29

Two enclosures.

No. 2614.

Legation of the United States,
Peking, October 18th 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No. 2593, of September 3rd, I forwarded to you a copy of a communication addressed to me as Dean of the Diplomatic Corps by the Shanghai Chamber of Commerce touching the proposal of China to tax Silk Filatures and Cotton goods.

The Chamber therein requested me to move my Colleagues" to inform the

the Tsungli Yamen that the proposals of their memorial will not be assented to by the Foreign Powers."

Subsequently, the 17th ultimo, the Chamber addressed to me another communication of which a copy is enclosed.

1/2614

A meeting of the foreign representatives to consider the questions thus presented could not be had until the 16th instant. This delay was caused by the absence from Peking of several of the Ministers and by the sickness and final most lamentable death of Mr. A. Bardi, Minister of Italy.

The questions presented in the enclosure are the following: the

the general subject of taxation in China; the propriety of assenting to an increase of tariff on foreign goods, except machinery, which ought to be fell; the inhibition of taxation on silk filatures; the abolition of likin on raw cotton; the goods manufactured in China to have the same privileges as to freedom from likin as imported goods; the duty on local made yarn to free it from all export duty or import; imported raw cotton to be free of duty; foreign owned mills to have all the rights and privileges that native owned mills have.

In this paper the Chamber of Commerce agrees that the tariff shall be increased provided that the

the concessions above set out are granted.

In the consideration of these questions my Colleagues and I, except the Minister of Japan, agreed that it was not competent for us at this time to take any action.

I enclose a copy of a letter addressed by me to the Chamber of Commerce which expresses our views.

The Minister of Japan almost necessarily stood alone. His Government does not wish to encourage manufacturing in China, but it does wish to receive a quid pro quo for renouncing the right to have its subjects manufacture in China under favorable conditions, which

which it insists is contained in the 4th clause of Article VI of the Shimonoseki Treaty. See Chronicle and Directory of China and Japan for 1896 p. 114. It is surmised that Japan would abandon its right to manufacture in China if China would take from raw cotton the export duty. This would benefit Japan alone of all the countries in the world. The Minister of Japan will act independently in this matter. The other foreign representatives will do nothing until they receive instructions from their respective Governments.

I beg to present a few observations on the subject for your consideration.

I am unable to see how the United States

States can be benefitted by increasing the import duties provided for by the existing tariff.

Inducements might be held out which would form some consideration for our consent to such increase. For instance the transit pass system, and likin might be abolished and foreign goods might be allowed to be sent to every part of China without payment of any tax whatever, except the import duty. A great extension of mercantile area, and an increased demand for foreign goods, would, without doubt, follow this free trade. Such concessions might induce the exporters of cotton goods, kerosene, and other articles to consent

consent to an increase of tariff. Their views on the subject might be asked, as Lord Salisbury is now consulting the various Chambers of Commerce. Should an increase of tariff be agreed to, we will, of course, be confronted with the question of rate. The idea of the Inspector General of Imperial Maritime Customs is that the rate should be fixed in accordance with the value of the tael in 1858 when the chief treaties were made. The tael was then worth more than twice as much in gold than it is now. He insists that the purchasing power of the tael has not changed in China, that it has remained

remained and will remain fixed,
and that its value in 1858,
which he claims was eight francs,
should be the measure of value
now. I do not think that this
claim should be admitted. The
most that should be done would
be to fix at the beginning of each
quarter the Customs' value of the
tael, as compared with gold.
Until the policy of my own
Government is settled on the
silver question it is difficult
to come to any conclusion on this
subject. If, however, the Western
powers do consent to an increase
of the tariff the question still
remains: what position should
our Government take on the
proposed

proposed internal taxation? Should we encourage in any way manufacturing in China?

I am unable to see what we are to gain by helping to build up rivals to our own manufacturer in this country of cheap labor, cheap money and production of silk and cotton.

By increasing the tariff and preventing local taxation we are hurt both ways, and secure no benefit whatever. I leave out of view the question whether it is competent for us to interfere with any scheme of taxation of goods which are manufactured in China.

It would be difficult to find any basis in international law for our

our right to dictate to China what taxation she shall levy on her own manufactured articles, or on the mills located in her own bodies.

The condition of affairs, however, absolves us from taking this view. China takes or is now proposing to take, the initiative in securing either a revision of the treaties, or independent conventions by which the import duties can be increased. She puts herself in the attitude of offering a trade, a exchange of privileges and rights.

It is, therefore, not regarded as improper that the Western powers should seek to gain some compensation for their consent

consent to an increase of duties.

It is well in this connection to look at the treaty provisions. I call attention to article XXVI and XXVII of the British Treaty of 1858: Chronicle and Directory 1896 p. 8.

"Article XXVII. It is agreed that either of the high contracting parties to this Treaty may demand a further revision of the tariff and of the Commercial Articles of this Treaty at the end of ten years; but if no demand be made on either side within six months after the end of the first ten years, then the tariff shall remain in force for ten years more, reckoned from the end

of

of the preceding ten years, and so it shall be at the end of each successive ten years."

This article is construed by European powers to mean that unless both parties agree to a revision, the treaty remains in force. This construction ensures a perpetual treaty at the will of either party. Japan took this view and for that reason demanded the making of new treaties.

I believe that Li Hung-chang did not in his conferences with Lord Salisbury ask for a revision of the treaties, but that he only asked for the consent of England to increase the tariff. I am not

as

as yet informed whether he made any proposals on the subject to you.

It does not come within the purview of my duty, unless specifically directed to do so, to take up or discuss any question of Treaty Revision, and as the question of local taxation is more or less involved in that question, I can simply await your instructions.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. The Shanghai Chamber of Commerce to Mr. Denby September 17th, 1896.
2. Mr. Denby to the Chamber of Commerce. October

Enclosure 1 in No. 2614

Shanghai General Chamber of Commerce,
Shanghai, 17th Sept., 1896.

YOUR EXCELLENCY—This Chamber has had under consideration proposed amendments of the Tariff and Duties and the consequent revision, or adaptation, of the same under conditions of the Foreign Treaties with China; and, recognising the necessities which the Chinese Government are under to raise additional revenue by increasing taxation upon trade, the Committee feel justified in offering some suggestions which are made with due regard to the welfare and prosperity of the country in which the interests of Foreign merchants are so largely involved.

Did the questions at issue rest between one European nation and another, it would be possible for a Chamber of Commerce to state briefly its views and to avoid reference to first principles already well-known, but as your Excellency will possibly see fit to lay before the Yamên the views now expressed, it may not be without useful purpose to touch on fundamental rules which ought to govern taxation both of exports and imports in China.

As regards exports it will be admitted that every increase in taxation thereon, every tax upon national industries, plays into the hands of other countries, whilst on the other hand it may be contended that, if China must discharge the foreign obligations by the export of commodities, producers of these commodities should contribute their share towards the needs of their government; and this is just.

The injustice arises when the tax exceeds the need, and ruins a trade by depriving the producer of the narrow margin of profit upon which he can survive; for it must be borne in mind that the value realised for China's exports is not determined by China herself; she is but one factor, the price China receives is determinded by the competing production of other countries, and the position of supply and demand in the consuming markets.

Thus, before India and Ceylon grew tea, China could exact her own price; since Tea has become an article of export from other countries, China's share in the trade has declined, and, so far as Great Britain is concerned, is threatened with extinction, because the Chinese Government, by the continued imposition of a high tax on the production, rob the grower of his narrow margin of profit and thus check the trade.

It is the same with silk, for which China could formerly often command her price, but whose price is largely dependent upon the production in other countries—if China by taxation exacts from her silk producers (whether in the early stage of cocoons or the later form of filatures) such a share of their produce as raises the price above that of similar produce in foreign countries, it does not injure the industry of foreign countries, but simply impoverishes the resources of China.

The needs and system of government in China are based upon no European model and may not lightly be disregarded or set aside; but a reasonable revision of the Treaty Tariff requires little more than that sufficient security be furnished by the Chinese Government for the effectual fulfilment of obligations which it undertakes to perform, and which have been in the past a mere dead letter.

To this end the Chamber contends that whilst leaving China to arrange what percentage of Duties should be appropriated respectively to the Imperial authorities, and to the Provincial authorities for internal revenues, a certain proportion should be retained as a reserve, from which illegal exaction upon merchandise in transit, could be met and satisfied, and that in return for the increase in import duties, all imports should not only be declared free, but actually be free from internal taxation while in transit or at the terminal point. In connection with any important increase of import duty it will be obvious to Your Excellency that the question of Bonded Warehouses may of necessity again become a subject for practical consideration, and the Committee submit that the privileges already afforded to the leading Native Steamship Company should be extended to foreign Wharfingers.

While assenting to an increase in import duties, this Chamber considers that export duties, if not abandoned, should at least be reduced, and limited to exports to foreign countries, and not imposed upon goods transferred from one port or place in China to another. In addition to export duty this Chamber concedes the principle of transit duty upon produce to meet the requirements of the provincial authorities; the main principle it contends for is the right to buy produce anywhere on the coast or in the interior and transport it, upon payment of transit duty, from one port or place in China to another, there to consume it, without further taxation, or to export it under conditions which of necessity vary in accordance with the nature of the commodity.

This Chamber urges upon the Chinese the construction of manufactories, and the fostering of industries of every kind, and, until in a position to satisfy the country's requirements, it suggests but does not insist, that the introduction of all machinery be duty free, in order that China may take its place as a manufacturing centre amongst the countries of the world as speedily as possible. And this Chamber claims for manufactories at present established or in course of construction the right to buy produce and transport it from place to place in China upon payment of the transit duty only.

If a basis for the revision of taxation be agreed upon, details can afterwards be arranged as to whether and in what directions specific or *ad valorem* duties be respectively imposed, but for the protection of trade and enforcement of the contract, this Chamber attaches the utmost importance to its suggestion that a guarantee or reserve fund be created which would ensure the fulfilment of transit duty obligations by the Chinese Government's provincial subordinates.

Whilst thus drawing the attention of your Excellency to the principles which this Chamber consider should govern any amendment or revision of Commercial Treaties, it is necessary to request you also to consider the memorial regarding taxation of manufactories recently addressed by the Tsung-li Yamên to the Throne. On its application to the silk filature industry I have already had the honour of addressing your Excellency, but for sake of record a copy of that communication is hereto attached; the argument against the proposal of the Memorialists to charge 10 per cent. on the improved Silk Product is simply that the trade will be practically ruined thereby; the Raw article (the Cocoon) is already overburdened by *lekin* of more than doubtful legality, and, if the additional impost is exacted, it means that either the rearers of the silk worms will have to accept proportionately lower prices or that the filature factories will close their doors, throwing thousands of natives out of employment and causing great loss of foreign and native capital. The publication of the Chamber's letter to your Excellency has drawn forth from some apparently authoritative person a statement in the newspapers that the expression "to supplement" *lekin* would better have been translated "in substitution of *lekin*" but, be this as it may, the intention to continue *lekin* on the Raw material (cocoons) is indisputable, and the freedom of the improved product after payment of 10 per cent. duty, is a valueless privilege as it is solely an export and does not go back in the interior of China for consumption.

The subject of Cotton Mills is one which the Chamber of necessity approach with less freedom; it is a departure *de novo* and though under existing Treaties, immediate advantages might be claimed both for the industry and the Imperial revenue, it is recognised that, provided the necessary guarantees can be obtained for strict adherence to a more lasting agreement, the general discussion of taxation affords an opportune moment for the settlement of the future.

The mill owners therefore maintain that as an incentive to a new industry and one of the principal ones likely to be permanently beneficial to the Government of China, as well as to individual enterprise, it is essential—

1st Enclosure in despatch No 2614

1.—That raw cotton for treatment in the mills, whether purchased in the interior and brought to this or any other Treaty port for subsequent delivery, shall be free absolutely from *lekin* or *kochui* such as is referred to in the memorial of the Tsung-li Yamên and subject only to transit duty on cotton imported from a foreign port.

2.—That presuming as an illustrative rate that the import duty on foreign yarns is raised to an *ad valorem* rate of ten per cent, which entitles the same to the advantages of transit passes and freedom from *lekin*, the excise or duty imposed on the produce of local mills shall, *inclusive* of the transit pass duty on the raw cotton, never exceed the said ten per cent (or whatever percentage may be fixed) and that the local made yarns shall if sent for or on sale up country or to any other port in China have the same freedom from further transit dues and immunity from *lekin* which the foreign imported article enjoys.

3.—That the excise or duty on local made yarn shall free the same from all export duty or impost of any kind whether to a foreign country or any port in China, and that if the latter be the destination, a certificate of payment of excise shall give the said yarn the same freedom from transit dues, *lekin* and other exactions, as it would have enjoyed had it been sent direct from Shanghai into the interior.

4.—That raw cotton whether imported from a foreign port or another port in China for treatment at the mills should be free from import duty, or that if duty be demanded thereon the same shall be deducted on payment of the excise on the manufactured article.

5.—That if native cotton mills in any part of the Empire have or are granted any terms or privileges superior to those fixed for foreign owned mills the latter shall have the benefit of the same.

Without these conditions, or something similar in effect, enterprise will be hampered and China's opportunity of entering the ranks of manufacturing countries, lost.

As regards Tea the position of China's trade is so notorious that it seems almost unnecessary to dilate. Attached is a copy of a letter to this Chamber dealing with the question in detail, but in asking your Excellency's attention thereto I may be permitted to give a single illustration. The export duty is specific, viz., Tls. 2.5 Hk. or Tls. 2.8 S'hai per pcl., fixed many years ago when it was supposed to be the equivalent of 5 per cent. on the average value of teas supplied. At the present time, owing to the competitive enterprise of other producing countries, a low quality of common tea might be bought for Tls. 9.80 p. pl. which *includes* the export duty of Tls. 2.80—the actual *price of the Tea therefore at the port of shipment* is Tls. 7 p. pl, on which is levied Tls. 2.80 or say 40 per cent (instead of 5 per cent) export duty—I underline the price "*at port of shipment*," for Tls. 7 includes exactions, *lekins*, and transit dues of various and substantial amounts, which simply shows that were these relaxed and the export duty rectified China may yet by its inherent cheapness of production regain to some extent her lost position. I say *to some extent*, for not only has China by taxation ruined her own trade, but the people in ignorance fail to realise that the care bestowed by competitors in other countries, both in the plantation and the factory, cannot be combated without the adoption of similar means. In the interests of the masses in China this subject calls for reform.

Your Excellency will I fear be wearied with the length of this communication,—the importance of the subjects touched on must be the excuse of the Chamber. It is indeed impossible in letter form to attempt to deal exhaustively with matters of such magnitude, and recognising this, the Chamber rejoice in having obtained the assent of its Vice-Chairman, Mr. Dudgeon, to visit Peking and offer such further explanations as may be required by the various members of the Corps Diplomatique. Mr. Dudgeon will leave this for Tientsin and Peking in the course of a few days, and I am requested to commend him to the consideration of Your Excellency and your Colleagues.

It may be asked how can these expressions of opinion verbal and otherwise be brought into practical effect; this Chamber have after anxious consideration decided to suggest that as a *modus operandi* it is advisable that a Joint Commission of Consular and Custom officials together with a fair representation of merchants be formed, to sit at this port and at least endeavour to make a Report showing in what way the revenue can be raised with beneficial results to the trade of the country. It is not presumed that such a report would in itself be the final settlement of a question which can only be decided by Treaty and Governmental agreements; but it is deemed possible that the recommendations which the Commission would make might relieve the Legations and the Yamên from much controversy and lengthy discussion, and form the basis upon which an equitable and lasting agreement might be conveniently arrived at.

As a preliminary to this procedure the Committee of this Chamber have asked their Vice-Chairman Mr. Dudgeon to lay before Your Excellency and your Colleagues any further explanations and arguments which may appear called for.

I have the honour to be,

Your Excellency's most obedient servant,

E. F. ALFORD,
Chairman.

To His Excellency
Colonel DENBY,
Minister for the U.S. of America
and Doyen of the Corps Diplomatique,
Peking.

[A copy of this letter, with the necessary alterations, was sent to the Marquis of Salisbury, Secretary of State for Foreign Affairs, per mail of 18th September.]

Enclosure 2 in No 2614

COPY.

No.24
Misc.

LEGATION OF THE UNITED STATES,

Peking, October 19th, 1896.

SIR:

By the direction of my Colleagues, I have the honor to acknowledge the receipt of your communication of the 17th ultimo, relating to various questions affecting the commerce of China.

The Foreign Representatives, while thanking the Chamber for its communication as well as for the courteous visit of Mr. Dudgeon, have to declare that to their knowledge the Government of China has not made any official proposal to change the tariff in any particular and that consequently they find themselves unable, at this time, to engage in any discussion with the Government of China relating to that matter.

As to the question of taxation of manufactures, which the Chamber discusses in its communication of the 31st August last, the Foreign Representatives have presented, or will present, this subject to their respective governments and will await their instructions.

Finally, concerning the suggestion of the Chamber to constitute a commission, my Colleagues direct me to say that they do not see their way clear to direct Consular officers to act as members thereof. Should the Chamber name a commission composed of some of the leading merchants in China, great weight, no doubt, would be attached to any report that they would make.

I have etc.,
(S'g'd) Charles Denby.

E. F. Alford, Esquire,
Chairman Shanghai Chamber of Commerce,
Shanghai.

LEGATION OF THE UNITED STATES,

Tokyo, October 18th, 1900.

SIR:

By the direction of my Colleagues, I have the honor to acknowledge the receipt of your communication of the 14th ultimo, relative to certain questions affecting the commerce of China.

The Foreign Representatives, while fundamentally the Chapter for the Foreign Representatives have presented, or will present, this subject to their respective Governments and will await their instructions.

Finally, concerning the suggestion of the Chapter to consti-tute a commission, my Colleagues direct me to say that they do not see their way clear to direct Consular officers to act as members thereof. Should the Chapter name a commission composed of some of the leading merchants in China, their weight, no doubt, would be attached to any report that they would make.

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(S.E.d) Charles Denby.

E. T. Alford, Esquire.
Chairman Shanghai Chamber of Commerce.
Shanghai.

No. 2615.

Legation of the United States

Peking, October 19th, 1896.

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ASSISTANT SECRETARY
DEPARTMENT OF STATE

Mr. Denby to the

Secretary of State.

Answd. Dec. 3.

DIPLOMATIC
DEC 1 1896
BUREAU.

Subject:

Revision of Yangtze Regulations.

Synopsis:

The foreign representatives ask a revision in various particulars.

One enclosure.

No. 2615.

Legation of the United States,
Peking, October 19th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

1/615 I have the honor to enclose a copy of a communication addressed by me as Dean of the Diplomatic body to the Tsungli Yamen embodying certain suggestions as to the revision of the "Revised Regulations of Trade on the Yangtze Kiang."

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure:

Mr. Denby to the Tsungli Yamen

No. 31 October 19th, 1896.

Enclosure in No. 2615

Mr. Denby to the Tsungli Yamen.

No.31 Peking, October 19th, 1896.

Messieurs les Ministres:

I have the honor to inform you that the Shanghai Chamber of Commerce has addressed to the Corps Diplomatique a request to bring to your attention the serious disabilities under which Ocean Steamer Companies suffer owing to a provision of the Yangtze Regulations.

By the direction of my Colleagues I call your attention to the clause complained of and request you to alter the same so as to do away with the disabilities complained of.

The Revised Regulations of Trade on the Yangtze Kiang of 1862 provide in Article V Section 2 that "When import cargo is trans-shipped on board a river steamer at Shanghai it must first be cleared of all duties. The trans-shipment will not be authorized until the Customs are satisfied that the import duties are paid". Under this section the Ocean Steamer Companies are compelled to have all cargo shipped on through bill of lading to the River Ports examined at Shanghai and the duties paid before the goods can be forwarded to their destination.

The consignees of this cargo are, in many cases, resident in the interior of China, and considerable delay and difficulty are experienced in tracing them while the actual passing of goods through the Customs entails an amount of additional labor which serves no useful purpose and of which the Ocean Steamer Companies should be relieved.

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The present "Revised Regulations of trade on the Yangtze

Yangtze Kiang" were drawn up in the year 1862. Owing to the then disturbed state of the country bordering on the Great River it was, no doubt, indispensable that all cargo for the River ports should be examined at Shanghai. This necessity, however, no longer exists, and as a complete Customs Staff is now maintained at the various Treaty Ports on the Yangtze the present condition of affairs is merely a vexatious hindrance to trade.

I call your attention, also, to the fact that other cargo than through cargo which arrives at Shanghai destined for the neighboring treaty Ports on the coast can be trans-shipped direct to the local steamers without examination by the Customs at Shanghai, and on its arrival at those ports it is dealt with by the Imperial Maritime Customs.

It seems a singular anomaly to detain at Shanghai and to examine there through cargo destined for the Yangtze ports while cargo destined for the coast Ports is not subject to any detention

I call your attention, also, to the fact that on their face the Yangtze Regulations contain this clause: "The above regulations and provisional and open to Revision if necessary".

Considering that these Regulations were framed when China was in the throes of the Great Rebellion and that they have existed, often under protest, for thirty two years without revision the time has certainly come when they should be revised and adapted to present needs and requirements.

The foreign Representatives will not undertake to indicate now every particular in which the Regulations should be revised and amended, because they would like first to know that the Government of China will meet them in a cordial and conciliatory spirit on the general question of revision. There is one clause, however, which has worked so oppressively in practice that

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that specific attention is now called to it. Article VI reads as follows: "Native craft owned or chartered by British merchants will pay duty on their cargo at the rates leviable on such cargo under the Treaty tariff. All such craft will further have to be secured by bond in the manner laid down in the provisional rules published on the 5th December 1861 and on entry into any port will pay port dues according to Chinese tariff. If the cargoes of Native craft so employed do not agree with their cargo certificates the amount specified in their bonds will be forfeited to the Chinese Government. This provision is only valid until tranquility is restored along the river". Under this provision it has been claimed that a very small difference between the cargo shipped at one port and that delivered at another warrants the forfeiture of the bond which is exacted.

In the opinion of the foreign representatives there is no nescessity for enforcing this clause, because tranquility has long since been restored along the river.

My Colleagues and I urgently ask you to take up and satisfactorily dispose of these suggestions at your earliest convenience.

Charles Denby

that specific attention is now called to it. Article VI reads as follows: "Native craft owned or chartered by British merchants will pay duty on their cargo at the rates leviable on such cargo under the Treaty tariff. All such craft will further have to be secured by bond in the manner laid down in the provisional rules published on the 8th December 1881 and on entry into any port will pay port dues according to Chinese tariff. If the cargoes of Native craft so employed do not agree with their cargo certificates the amount specified in their bonds will be forfeited to the Chinese Government. This provision is only valid until tranquility is restored along the river". Under this provision it has been claimed that a very small difference between the cargo shipped at one port and that delivered at another warrants the forfeiture of the bond which is exacted.

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Charles Denby

Substance given to press Dec 2. Emory:

COPIED FOR FOREIGN RELATIONS

ASSISTANT SECRETARY
NOV 30 1896
DEPARTMENT OF STATE

No 2616.

Legation of the United States.

INDEX BUREAU
REC'D.
NOV 30 1896
DEPT. OF STATE

Peking, October 20th, 1896.

DIPLOMATIC
DEC 1 1896
BUREAU.

Mr. Denby to the

Secretary of State

Dispatch
Autograph
No

Subject

Manufacturing by foreigners in China

Synopsis

On the 16th instant Japan renounced that part of Article VI of the Shimonoseki Treaty which affects the taxation of goods manufactured in China by Japanese.

No. 2616.

Legation of the United States.

Peking, October 20th, 1896.

To the Honorable

Richard Olney.

Secretary of State,

Washington, D. C.

Sir:

In several despatches I have mentioned, and discussed to some extent, the effect that the 4th clause of Article VI of the Shimonoseki Treaty might have on the question of taxation of goods manufactured in China by foreigners.

The latter part of that clause reads as follows:

"All articles manufactured by

Japanese

"Japanese subjects in China
"shall in respect of inland
"transit and internal taxes,
"duties, charges and exactions
"of all kinds, and also in
"respect of warehousing and
"storage facilities in the interior
"of China, stand upon the
"same footing and enjoy the
"same privileges and exemptions
"as merchandize imported by
"Japanese subjects into China".

I have learned since preparing my despatch No. 2614, of October 18th, that the Japanese Government did, on the 16th instant, officially and formally renounce that part of said clause above quoted.

In the consideration of questions affecting

affecting taxation and the increase of the tariff rates, concerning which I wrote in my despatches No. 2587, of August 29th, and No. 2593, of September 3rd, this clause must be eliminated — a result which greatly affects the position of foreigners who desire to engage in manufacturing in China.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

ASSISTANT SECRETARY
NOV 30 1896
DEPARTMENT OF STATE

No: 2617

Legation of the United States,

INDEX BUREAU
REC'D.
NOV 30 1896
DEPT. OF STATE

Peking, October 22d, 1896.

Mr. Denby to the

Secretary of State.

Answd. Dec. 3.

DIPLOMATIC
DEC 1 1896
BUREAU

Subject:

Troubles at Foochow.

Synopsis:

Trouble arose over likin exaction. Consul erroneously advised merchants to allow goods to be confiscated. Minister directed payment under protest. Trouble over acting Consul's recognition, because his appointment was not wired. Remedied. Telegram of 20th last received.

No. 2617

Legation of the United States,
Peking, October 22d, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to make the following report touching recent events at Foochow.

Under date of September 5th the Consul, J. Courtney Hixson, wrote me that he was about to go to the United States and that there being no Vice Consul at Foochow he had turned over the Consulate to Mr. Wm C. Hixson, the

the United States Marshall.
This information was not wired
and the despatches did not
reach me until the 9th instant.
The 2d instant the Consul
General wrote that Consul Hixson
had left, and that he would under
section 87 of the Regulations
nominate W. C. Hixson as Acting
Consul. He highly recommended
him and I approved the
appointment. This despatch
reached me the 8th instant.
Meantime various telegrams
passed between Mr. W. C. Hixson
and myself of which copies are
1/2617 herewith enclosed.
The trouble as to Mr. W. C.
Hixson's recognition arose simply
from

from the fact that I had no notice of the departure of the Consul, or of his appointment as Acting Consul until some time after that event. As soon as I got this information, that is to say, the 6th instant I advised the Yamen, asking that immediate instructions be issued for his recognition. The 8th instant I personally visited the Yamen and was assured that the orders asked for would be issued. The 9th instant I was personally assured by one of the Ministers of the Yamen that orders had been issued.

The 10th instant I wired Mr. Hixson: "Authorities ordered recognize

recognize you."

The 16th instant Mr. Hixson wired me that Viceroy and grain taotai denied that they had received instructions to recognize him and complained that his Chinese name had not been sent.

This Legation had sent his Chinese name to the Yamen with my first demand for his recognition.

The 17th instant I sent to the Yamen another peremptory demand for the recognition of Mr. Hixson, with a complaint as to the manner of his treatment, and I was assured that suitable orders had been issued.

I take it for granted that there is no further trouble as to his recognition

recognition.

The difficulty at Foochow between the Consul and the local authorities has arisen over the question as stated by the Consul: "The real issue is whether or not the treaty means "Nan T'ai" or "Fan Chuan Pu" or "Pagoda Anchorage" a "Kutien" or any other place when it plainly says "Foochow" and whether or not the Chinese officials have a right to arbitrarily confine foreign merchants to the little strip of a village on the south bank of the Min river, thereby excluding them from the city of over 1000,000 people on the north bank of the river."

The

The Consul has come to the conclusion that the collection of likin exacted is unlawful. I have not heard that his Consular Colleagues have taken this position nor that any of them support him in his contention. The Likin Taotai has seized several boat loads of goods belonging to a firm named "Tung Ho", - of which a Chinese subject is a member, - and another boat load belonging to Mr. H. W. Churchill, an American. The Consul and Acting Consul advised these owners to refuse to pay likin and to allow their property to be seized and confiscated, and they have followed this advice.

Being

Being informed of these facts I sent to the Acting Consul the 19th instant the following telegram:

"Hixson, Foochow. Advise
"merchants pay likin under
"protest reserving all questions,
"thus avoiding destruction of
"business. Will send Consul
"General if you cannot
"manage.

"Denby."

In confirmation of this telegram I sent to Mr. Hixson a despatch of which a copy of the material part is enclosed.

It seems entirely plain to me that there was no necessity to allow any of the goods to be seized. Especially should caution have

have been exercised in the case of the "Tung Ho" firm, because it is very doubtful whether our protection will be granted to any firm of which a Chinese subject is a member. See Wharton's International Digest § 215, which is directly in point. The likin tax is trifling in amount and should have been paid under protest.

I am not prepared at this time to affirm or deny the right to claim likin. The Consul at Foochow, just before his departure sent me a lengthy despatch on the subject, in which he denies the right of the local authorities to collect likin under the circumstances

circumstances stated.

The local authorities are just as positive in asserting this right and claim a long usage in favor of their action. It will be necessary to look into the matter with care.

Were it not that business is pressing here, and that there is danger that navigation will close, I would go to Foochow myself and endeavor to arrange the existing troubles. I have concluded to direct the Consul General to go, if it finally becomes necessary, and have written him to that effect.

I ask that you approve of my sending the Consul General to

Foochow

Foochow, and that his reasonable expenses be paid.

Before mailing this despatch your telegram of the 20th instant came to hand. It reads as follows:

"American Minister. Is Consul of the United States Foochow objectionable to Chinese Government?

"Report next mail.

Olney."

The special subject of this telegram will form the topic of another despatch which will be prepared to-day.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures:
1. Copies of telegrams.
2. Mr. Denby to Mr. Hixson.

Enclosure 1 in No 2617

TELEGRAMS RECEIVED.

Foochow, October 5, 1896.

DENBY, Peking:

Consul left me in charge. Chinese require instruction. - W.C.HIXSON.

Foochow, October 5, 1896.

DENBY, Peking:

Seizure same as Tung Ho case. Also other interests concerned. Depstach sent you on 25th about my acting Consul; Viceroy notified then. - HIXSON.

Foochow, October 8, 1896.

DENBY, Peking:

Vicercy still declines. (He) claims no order from Yamen. - HIXSON.

TELEGRAMS SENT.

Peking, October 5,1896.

HIXSON, Foochow:

Report facts of seizure. Has Consul left and is Vice Consul acting? If so, has Viceroy been informed why Vice Consul acts? Perhaps the Vicercy will see you if you explain why you are acting Consul. I understand nothing about this affair. - DENBY.

Peking, October 6, 1896.

HIXSON, Foochow:

Asked Yamen order authorities recognize you.

DENBY.

Enclosure 1 in No. 2361.

Foochow, and that his reasonable expenses be paid.

TELEGRAMS RECEIVED.

Foochow, October 5, 1899.

DENBY, Peking:

Consul left me in charge. Chinese requires instruction. - W.C.HIXSON.

Foochow, October 5, 1899.

DENBY, Peking:

Salaries same as Tung He's case. Also other interests concerned. Despatch sent you on 25th about my acting Consul; Viceroy notified then. - HIXSON.

Foochow, October 6, 1899.

DENBY, Peking:

Viceroy still declines. (He) claims no order from Yamen. - HIXSON.

TELEGRAMS SENT.

Peking, October 5, 1899.

HIXSON, Foochow:

Report facts of seizure. Has Consul left and is Vice Consul acting? If so, has Viceroy been informed why Vice Consul acts? Perhaps the Viceroy will see you if you explain why you are acting Consul. I understand nothing about this affair. - DENBY.

Peking, October 6, 1899.

HIXSON, Foochow:

Asked Yamen order authorities reconvoke you.

DENBY.

Enclosure.
1 Copies of telegrams.
2. Mr. Denby to Mr. Hixson.

Enclosure 2 in No. 2617

In cases of contested Legality as to Governmental procedures adopted by subordinates it is usual to pay demands under protest until the Supreme Authority can be heard from. It is not commonly if ever, allowed that goods be seized and perhaps destroyed in order to avoid a trifling payment. It is comparatively easy to ask that the wrong be corrected and the money paid back, while the process of recovering large amounts is tedious, and the results to the merchant of the confiscitation of his goods and the interruption of his trade may be very serious. Subordinate officers usually obey implicitly the law as they understand it and often exceed their authority. The interruption of cordial relations with officials and foreign representatives need not necessarily follow such acts. By the simple act of protesting that acquiesence is not had in the act complained of and that the question will be appealed to higher authority all local trouble is eliminated. Then the cases should be reported to me. As you seem to have acted alone in this matter without the support of any other Consul it is strange that you advised a course of policy which may result in great injury to the parties interested should the point in issue be finally ruled against your opinion.

In cases of contested legality as to government processes
established by authorities it is usual to pay demands under protest
until the Supreme Authority can be heard from. It is not commonly
known, however, allowed that goods be seized and temporarily detained in
order to avoid a financial embarrassment. It is comparatively easy
to ask that the money be returned and the matter settled. Unfortu-
nately the process of recovering taxes unconstitutional, and the re-
sults of the enforcement of the confiscation of his goods and the
information of his trade may be very serious. Unfortunately
officers usually open impositority the law as they understand it
and often exceed their authority. The interruption of contract
relations with officials and foreign representatives need not
necessarily follow such acts. By the simple act of protesting
that medium is not had in the act complained of and that
should the point in issue be finally ruled against your objection.

DIPLOMATIC
DEC 2 1896
BUREAU.

ASSISTANT SECRETARY
DEC 1 1896
DEPARTMENT OF STATE.

No 2618.

INDEX BUREAU
RECD.
NOV 30 1896

Legation of the United States.

Peking, October 24th, 1896.

Mr. Denby to the

Secretary of State.

Subject

Is Consul at Foochow objectionable to Chinese Government.

Synopsis

Sets forth correspondence of Consul and Minister's correspondence with Yamên. No specific objection made by Chinese Government but criticisms made of acting Consul's conduct.

Four enclosures.

No 2618.

Legation of the United States.

Peking, October 24th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In my despatch No 2617, of the 22nd instant, I acknowledged the receipt of your telegram of the 20th instant as follows:

"American Minister:

"Is Consul of

"the United States Foochow

"objectionable Government of China"

To understand the condition at Foochow it is necessary to transmit

some

some of the correspondence of the
acting Consul, Mr. W. C. Hixson.

I enclose a copy of his despatch
1/2618 No. 84, of the 5th instant. He therein
states that the Viceroy and Grain
Taotai were duly notified the 25th
September that he had taken over
charge of the affairs of the consulate,
but that they refused to recognize
him. He afterwards recites facts
tending to show that he was treated
with intentional discourtesy. These
facts have been duly brought to
the notice of the Tsungli Yamên
and will be again presented.

A simple and courteous statement
made by the local authorities that
they were unable to recognize Mr.
Hixson until they had received

directions

directions from Peking to do so would not have been objectionable. In China, and I presume elsewhere, it is not competent for a consul who is about to depart to turn over his office to any person who is not authorized by the regulations of the Department or the laws of the United States to act as consul, and vacancies occurring are to be filled as the regulations provide, and until an exequatur is granted no recognition is allowed. Mr. J. Courtney Hixson and Mr. W. C. Hixson did not follow the regulations and the results were, as usually happens, unpleasant.

Mr. W. C. Hixson addressed to me on the 10th instant another despatch

2/2618 of which a copy is enclosed. He therein requests me to transmit to the Yamên three despatches which are addressed to Viceroy Pien, Grain Taotai T'ang and Likin Taotai Ho, respectively. He complains that these despatches were returned to him by these officials under circumstances of indignity. I shall bring the contents of this despatch to the notice of the Yamên, unless I conclude to wait and settle the whole matter at the same time.

On the 19th instant I sent the

3/2618 Yamên a communication a copy of which is enclosed. I therein repeated my demand for the recognition of Mr. W. C. Hixson as Acting Consul, and I specifically detailed the acts

of

of discourtesy of which he had complained and demanded that the Viceroy, Grain Taotai and Likin Taotai should be compelled to explain their conduct. The Yamên answered this communication the 24th instant. A translation of this paper is enclosed. The Yamên therein reiterates that orders have been issued for Mr. Hixson's recognition, but reports, as coming from the Viceroy, serious charges against him. It says that the Viceroy reports "that, on several occasions, he has "meddled in likin smuggling cases. "On the 16th instant he rushed into "the Yamên of the Grain Taotai and "used improper language. He insisted "on being received, but on account

of

"of his behavior the Grain Taotai
"would not see him. He thereupon
"created a disturbance, his purpose
"evidently being to seek a quarrel."

I have transmitted to Mr. Hixson a copy of this communication from the Yamên and have asked an explanation.

Before requesting the Consul General to go to Foochow, I am awaiting an answer from Mr. Hixson to my telegram of the 19th instant, wherein I informed him that I would send the Consul General if he could not manage the business. See my despatch No. 2617 of the 22nd instant.

Answering your telegram specifically in addition to the details

above

above set forth, I have to say that I have not received from the Yamën any direct statement that Mr. Hixon is objectionable to the Chinese Government. It is sufficiently apparent that he has got into a serious, and I think unnecessary, difficulty over the likin question, which he should never have taken up in the manner that he did without instructions from me. It does not appear, however, that there is any cause of objection to him that does not grow out of that matter and no demand has been made for his recall. I shall reply to the Yamën's paper of the 19th instant which is not at all satisfactory to me.

I have the honor to be,

Sir,

Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. Mr. Hixson to Mr. Denby, No. 84, October 5th, 1896.

2. Mr. Hixson to Mr. Denby, No. 88, October 10th, 1896

3. Mr. Denby to the Tsungli Yamên, Note, October 19th, 1896.

4. The Tsungli Yamên to Mr. Denby Note, October 21st, 1896.

Enclosure 1 in No 2618.

COPY.

No.84.

CONSULATE OF THE UNITED STATES OF AMERICA,

Foochow, China, October 5, 1896.

S I R:

I have the honor to confirm my telegram of yesterday's date to you as follows:-

"DENBY, Peking:

"American goods seized. Chinese decline see "me or receive despatch. No reason.-"-HIXSON."

On yesterday Mr. H. W. Churchill, an American citizen, tried to send 50 cases of kerosene oil over the long bridge to the city. The oil was seized by the lekin authorities and conveyed to the Nantai Lekin Office. The matter was reported to me, with the request that steps be at once taken to recover the oil. Accordingly I sent the official messenger of this Consulate with a card to the lekin authorities stating that the oil belonged to H. W. Churchill, Esq., and requesting that the same be released. My request was refused on the sole ground that the goods were subject to lekin duties.

I then addressed a despatch to the Grain Taotai T'ang Pao-chien, who has charge of foreign affairs, and also one to Lekin Taotai Ho Ch'en-hao, and requested that the goods be released as they were the property of an American citizen. The Lekin Taotai received his despatch, but the one sent the Grain Taotai was returned after having been opened, notwithstanding the fact that both

HON.CHAS. DENBY,

E.E.and M.P.,U.S.A.,

P E K I N G.

P E K I N G.

E.E.and M.P., U.S.A.,

HON.CHAS. DENBY,

date

Yesterday afternoon, pursuant to the Chefu Imperial Edict, Mr. Pokotilof, and Mr. Hsu, Taotai, called at the Legation, and requested that the Legation would appoint a day when they might present the Imperial Edict to me. I appointed 9 o'clock this morning, and they came accordingly. Mr. Pokotilof is a Russian citizen, and also one of Li Hung Chang's secretaries, and is supposed to be in charge of Foreign affairs. Mr. Hsu is Taotai of Chefu-Pao, and represents the people of the province, but the one sent the Chefu Imperial Edict was received his despatch, but the one sent the Chefu Imperial Edict was received after having been opened, notwithstanding the fact that

Yesterday afternoon, pursuant to the Chefu Imperial Edict, Mr. Pokotilof, and Mr. Hsu, Taotai, called at the Legation, and requested that the Legation would appoint a day when they might present the Imperial Edict to me. I appointed 9 o'clock this morning, and they came accordingly. Mr. Pokotilof is a Russian citizen, and also one of Li Hung Chang's secretaries, and is supposed to be in charge of Foreign affairs. Mr. Hsu is Taotai of Chefu-Pao, and represented that the people of the province, but the one sent the Chefu Imperial Edict was received after having been opened, notwithstanding the fact that

to Li Hung Chang.

I then addressed a despatch to the Chefu Taotai, and Pokotilof, who has charge of Foreign affairs, and also one to Li Hung Chang, Mr. Pokotilof requested that the people might be informed, but the one sent the Imperial Edict was received after having been opened, notwithstanding the fact that

to the Li Hung Chang Yamen, and requested that the people might be informed. My request was complied with, and Pokotilof, Asst., and Taotai Hsu left the Legation. Mr. Pokotilof requested that the Edict might be returned to him, as it was the property of the Chefu Taotai, and Hsu left the Legation. Mr. Pokotilof requested that the people might be informed, but the one sent the Chefu Imperial Edict was received after having been opened, notwithstanding the fact that

to the Li Hung Chang Yamen, and requested that the people might be informed. My request was complied with, and Pokotilof, Asst., and Taotai Hsu left the Legation. Mr. Pokotilof requested that the Edict might be returned to me, as it was the property of the Chefu Taotai, and Hsu left the Legation. Mr. Pokotilof requested that the people might be informed, but the one sent the Chefu Imperial Edict was received after having been opened, notwithstanding the fact that

to send 20 cases of kerosene oil over the Lang Ting Ho to the city. The oil was seized by the Likin authorities and conveyed to the Likin office. The matter was reported to me, with the request that steps be at once taken to recover the oil. Accordingly I sent the official messenger of this Consulate with a card to the Likin authorities stating that the oil belonged to H. W. Chatterton, Esq., and requesting that the same be returned. My request was complied with on the same ground that the goods were employed to Likin duties.

I then addressed a despatch to the Chefu Taotai, and Pokotilof, and also one to Li Hung Chang, who has charge of Foreign affairs, and also one to Likin authorities, as the goods might be informed, but the one sent the Imperial Edict was received after having been opened, notwithstanding the fact that the property of an American citizen. The Likin Taotai

I then addressed a despatch to the Chefu Taotai, and Pokotilof, who has charge of Foreign affairs, and also one to Likin authorities.

I have the honor to confirm my telegram of yesterday's date to you as follows:-

"DENBY, Pekin:

"American goods seized. Chinese destine see me to receive despatch." No reason."-"HIXSON."

On yesterday Mr. H. W. Chatterton, an American citizen, hired to send 20 cases of kerosene oil over the Lang Ting Ho to the city. The oil was seized by the Likin authorities and conveyed to the Likin office. The matter was reported to me, with the request that steps be at once taken to recover the oil. Accordingly I sent the official messenger of this Consulate with a card to the Likin authorities stating that the oil belonged to H. W. Chatterton, Esq., and requesting that the same be returned. My request was complied with on the same ground that the goods were employed to Likin duties.

I then addressed a despatch to the Chefu Taotai, and Pokotilof, who has charge of Foreign affairs, and also one to Likin

CONSULATE OF THE UNITED STATES OF AMERICA.

FOOCHOW, CHINA, October 2, 1880.

S I R:

I have the honor to confirm my telegram of yesterday's date to you as follows:-

"DENBY, Pekin:

"American goods seized. Chinese destine see me to receive despatch." No reason."-"HIXSON."

On yesterday Mr. H. W. Chatterton, an American citizen, hired

COPY.

No. 48.

both he and the Vicercy were duly notified on Sept.25, 1896, that I had taken over charge of the affairs of this Consulate. He sent a verbal message that as he was not personally acquainted with me he could not accept the despatch. I wired to you about 8 P.M. yesterday, and in about two and a half hours later -- 10:30 -- the taotai sent to this office a despatch addressed to Consul Hixson te the effect that he had received the despatch notifying him that I was in charge of United States interests at this port, but that Mr. Consul Hixson had failed to say for what purpose he would be absent from Foochow and by whom I had been appointed as Acting Consul at this port. The taotai further wrote that he thought it best to wait awhile before replying to Mr. Consul Hixson's despatch, but that he had received no further word from Mr. Consul Hixson nor had any instructions been sent to him by the provincial authorities. Therefore, as no explicit information was given in the despatch concerning my appointment as Acting Consul, it is difficult for him to recognize me, "thus violating the treaty stipulations". This explanation was given about 15 hours after the receipt of my despatch by the taotai, and that, too, after I had wired to you. He opened the despatch, but returned it to me by a common coolie. He sent only a verbal message and did not care to take upon himself the trouble of writing a polite note of explanation. He treated me with about the same respect as would have been accorded to one of his chair coolies. Such an action can be construed in no other light than as a direct insult to both the Government and to me. He should be held to account for his uncalled for insult. I gave him no reason for such treatment, having written a very courteous despatch about the goods seized by the lekin authorities.

The Lekin Taotai returned the despatch addressed to him under the pretext that I had failed to address the despatch to his joint

associate

post he and the Viceroy were duly notified on Sept.25, 1860, that

I had taken over charge of the affairs of this Consulate. He sent

a verbal message that as he was not personally acquainted with me

he could not accept the despatch. I wrote to you about 8 P.M.

yesterday, and it about two and a half hours later -- 02:01 --

the Consul sent to this office a despatch addressed to Consul

Hixson of the effect that he had received the despatch notifying

him that I was in charge of United States interests at this port,

but that Mr. Consul Hixson had failed of use for many purpose

he would be spared from Foochow and by whom I had been appointed

as Acting Consul at this port. The Consul intimated that he

thought it best to wait awhile before returning to Mr. Consul

Hixson's despatch, but that he had received an intimation from

Mr. Consul Hixson not had any instructions been sent to him by

the provincial authorities. Therefore, as no explicit information

was given in the despatch concerning my appointment as Acting

Consul, it is difficult for him to recognize me," thus avoiding

the Chefoo letter. The polite Taotai terminated the despatch addressed to him under

the Roods sealed by the local authorities.

such treatment, namely with a very courteous despatch upon

account for his unskilled for insult." I gave him no reason for

insult to both the Government and to me. He should be held to

Such an action can be construed in no other light than as a direct

Respect as would have been accorded to one of his equal rank.

bottle nose to explanation." He treated me with upon the same

and did not care to take upon himself the trouble of writing a

formed if to me by a common coolie." He sent only a verbal message

foo, after I had wired to you." He opened the despatch, but re-

ports after the receipt of my despatch by the Taotai, and that,

associate as well as to himself. It was explained that the despatch was not intended for his associate, and the same despatch was sent back to him. Later, the taotai again sent the despatch back to me with the verbal instructions given to a coolie that he deslined to recognize me as no instructions had come from Peking. The coolie pounded on the gate about one o'clock last night alarming the whole community, and as the watchman opened the gate the despatch was thrust inside; the coolie who brought the despatch and message ran off immediately.

Had the two taotais written courteous despatches, or even private notes, to me stating that they could not recognize me until they heard from Peking, I could not have raised any objection, but not a single line has been written by any of the Chinese officials objecting in the least to my being in charge of the Consulate. No objection has been raised at all except that no word has come from Peking, but still they feel at liberty to treat the affair in such an unjustifiable manner.

As soon as the Grain Taotai returned my despatch, I appealed to the Vicercy requesting that he be so good as to order the taotai to release the goods seized, and also have him explain his conduct in declining the despatch. The Vicercy returned the despatch sending word that he had not had any orders from Peking. He gave no other reason, nor did he write to me.

This affair would never have occurred had it not been for the seizure of these goods and the request for their release. The whole scheme was concocted as soon as the goods fell into the hands of the lekin authorities. It is an attempt to prevent an interference with the Chinese officials collecting illegal duties on American goods. The officials had waited all this time to object; correspondence had been carried on with the lower officials about petty cases; not a word had been said against their

receiving

receiving

receiving despatches from this Consulate.

The interests at stake here in Foochow are too large to permit such trifling on the part of the Chinese officials. There are now several cases pending in which American interests will suffer most severely. Some of the cases are as follows: H. W. Churchill,Esq., two cargo boats looted - value of stolen property about $600.00; H. W. Churchill, theft on cargo boats -- kerosene oil valued at $322.00; H. W. Churchill, theft of tea on cargo boats -- valued at $800.00, or more; Pettick & Co., theft of oil from godowns -- valued at about $125.00; Geo. B. Smyth, theft at College -- value $200.00 Besides the above, there is the Tung Ho affair still in an unsettled condition. One of the American merchants applied to me this morning for permission from the Chinese to move some of their goods from their store room on the north side of the river to the south side in order that the same might be shipped, but I could not secure the permission from the Chinese.

Pressure of business prevents me from presenting the case of the seizure yesterday, but I shall do so by next mail. However, it may be said that the case of the seizure of the 50 cases of oil is similar to the Tung Ho case.

I trust you will take up this whole matter; that the Chinese officials be made to apologize to me and to the American Government for such unwarranted insults; that the officials designated in this despatch be compelled to receive the despatches already addressed to them, and that they be instructed to receive all despatches from this Consulate in future.

I have etc.

(S'g'd) Wm. C. Hixson

Acting Consul.

receiving despatches from this Consulate.

The interests at stake here in Foochow are too large to permit such trifling on the part of the Chinese officials. There are now several cases pending in which American interests will suffer most severely. Some of the cases are as follows: H. W. Churchill,Esq., two cargo boats looted - value of stolen property about $800.00; H. W. Churchill, theft on cargo boats -- kerosene oil valued at $822.00; H. W. Churchill, theft of tea on cargo boats -- valued at $800.00, or more; Pettick & Co., theft of oil from godowns -- valued at about $125.00; Geo. B. Smyth, theft at College -- value $200.00 Besides the above, there is the Tung Ho affair still in an unsettled condition. One of the American merchants applied to me this morning for permission from the Chinese to move some of their goods from their store room on the north side of the river to the south side in order that the same might be shipped, but I could not secure the permission from the Chinese.

Pressure of business prevents me from presenting the case of the seizure yesterday, but I shall do so by next mail. However, it may be said that the case of the seizure of the 80 cases of oil is similar to the Tung Ho case.

I trust you will take up this whole matter; that the Chinese officials be made to apologize to me and to the American Government for such unwarranted insults; that the officials designated in this despatch be compelled to receive the despatches already addressed to them, and that they be instructed to receive all despatches from this Consulate in future.

I have etc.

(Signed) Wm. C. Hixson

Acting Consul.

Enclosure 2 in No 268

COPY.

No.88.

CONSULATE OF THE UNITED STATES OF AMERICA,

Foochow, China, October 10,1896.

S I R:

On the 8th instant, presuming that the Tsungli Yamen had replied with your request of the 6th instant that orders be issued to the Chinese authorities of Foochow to recognize me as the official representative of the United States Government at this port, I sent to the officials the despatches enclosed herewith; but there seems to have been a misunderstanding somewhere as the officials still declined to receive the despatches on the ground that no instructions had been received from Peking to recognize me officially.

I now have the honor to enclose to you the three despatches which are addressed to Viceroy Pien, Grain Taotai T'ang and Lekin Taotai Ho, respectively, and request that you ask the Tsungli Yamen to transmit the same to the above named officials at Foochow. I very much regret being under the necessity of having to adopt such a course, but I have no other recourse since the Chinese officials have twice returned the despatches to me by a common coolie bringing the verbal message that the despatches could not be received -- an expression of contempt intended to humiliate both the United States Government and myself.

The

HON. CHAS. DENBY,

E.E.and M.P.,U.S.A.,

P E K I N G.

Enclosure 2 in despatch

COPY.

No.88.

CONSULATE OF THE UNITED STATES OF AMERICA,

Poochow, China, October 10,1899.

S I R:

On the 8th instant, presuming that the Tsungli Yamen had replied with your request of the 6th instant that orders be issued to the Chinese authorities of Poochow to recognize me as the official representative of the United States Government at this port, I sent to the officials the despatches enclosed herewith; but there seems to have been a misunderstanding somewhere as the officials still declined to receive the despatches on the ground that no instructions had been received from Peking to recognize me officially.

I now have the honor to enclose to you the three despatches which are addressed to Viceroy Pien, Grain Taotai T'ang and Lekin Taotai Ho, respectively, and request that you ask the Tsungli Yamen to transmit the same to the above named officials at Poochow. I very much regret being under the necessity of having to adopt such a course, but I have no other recourse since the Chinese officials have twice returned the despatches to me by a common coolie bringing the verbal message that the despatches could not be received -- an expression of contempt intended to humiliate both the United States Government and myself.

The

HON. CHAS. DENBY,

E.E.and M.P.,U.S.A.,

P E K I N G.

The despatches addressed to the Grain and Lekin Taotais are simple notifications of the fact that the seized kerosene oil is the property of Mr. H. W. Churchill, and American citizen, and requesting that the goods be released. The despatch to the Viceroy is an appeal to that official in reference to both the seizure of the oil and the conduct of the other two officials. I send them sealed just as they were returned to me, and would like for them to be transmitted in the original covers. But if you desire they can be opened, and so I am also enclosing three extra envelopes for that purpose.

The action of the Lekin Taotai in ordering his runners to thrust the despatch into this Consulate, is more reprehensible than that of either of the other two officials. I understand that the Lekin Taotai now regrets very much having adopted such a method of disposing of the despatch, and that on the following morning he sent his messengers to recover the despatch provided it could be secured without my knowledge. But if either or all of these officials are allowed to snub the United States Government's representative in such unwarranted manner and then be permitted to escape without being compelled to offer an apology much less without impunity, it may be expected that but little can hereafter be acomplished in settling American cases at this port. Nor could I hope to command the respect of any of the officials in Foochow.

The Chinese officials have never yet raised any objection to me personally; they only claim that their action is intended to obey the letter of the treaty, and say they will receive any and all correspondence from me as soon as the Tsungli Yamen sends instructions to do so. But how am I to know when such instructions have been received if the officials continue to deny that

any

The despatches addressed to the Grain and Lekin Taotais are simple notifications of the fact that the seized kerosene oil is the property of Mr. H. W. Thurston, and American citizen, and requesting that the goods be released. The despatch to the Viceroy is an appeal to that official in reference to both the seizure of the oil and the conduct of the other two officials. I send them sealed just as they were returned to me, and would like for them to be transmitted in the original covers. But if you desire they can be opened, and so I am also enclosing three extra envelopes for that purpose.

The action of the Lekin Taotai in ordering his runners to thrust the despatch into this Consulate, is more reprehensible than that of either of the other two officials. I understand that the Lekin Taotai now regrets very much having adopted such a method of disposing of the despatch, and that on the following morning he sent his messengers to recover the despatch provided it could be secured without my knowledge. But if either or all of these officials are allowed to snub the United States Government's representative in such unwarranted manner and then be permitted to escape without being compelled to offer an apology much less without impunity, it may be expected that but little can hereafter be accomplished in settling American cases at this port. Nor could I hope to command the respect of any of the officials in Foochow.

The Chinese officials have never yet raised any objection to me personally; they only claim that their action is intended to obey the letter of the treaty, and say they will receive any and all correspondence from me as soon as the Tsungli Yamen sends instructions to do so. But how am I to know when such instructions have been received if the officials continue to deny that any

any orders have come from Peking? I cannot afford to continue writing despatches to be returned.

I trust you will take up this matter at your earliest opportunity, and that you will insist upon reparation.

I have etc.,

(S'g'd) Wm. C. Hixson.

Acting Consul.

any orders have come from Peking? I cannot afford to continue
writing despatches to be returned.

I trust you will take up this matter at your earliest opportunity, and that you will insist upon reparation.

I have etc.,

(S'g'd) Wm. G. Hixson.

Acting Consul.

Enclosure 3 in No. 268.

Mr. Denby to the Tsungli Yamen.

Peking, October 19th, 1896.

Messieurs les Ministres:

In an interview with one of Your Excellencies at the Yamen on the 8th instant I was assured that orders would be issued to the local authorities at Foochow to recognize and receive Mr. W. C. Hixson, Acting Consul of the United States.

The Consul had gone home on sick leave and Mr. W. C. Hixson had been appointed Acting Consul to fill the vacancy in accordance with the laws of the United States and his appointment had been approved by me.

On the 9th instant I was personally assured by one of Your Excellencies that the orders of recognition that I had asked for had been issued. On the 17th instant I received a telegram from Mr. Hixson stating that the Viceroy and Grain Taotai deny having received instructions from the Prince and Ministers and that they declined to see him or to receive any despatch from him until his Chinese name was sent.

I notified you of the Chinese name of the Acting Consul and do not understand why it was not transmitted to Foochow.

The 17th instant I sent to you an urgent appeal to take immediate steps to secure the recognition of Mr. Hixson. I am not yet in receipt of any answer to this request.

In several despatches the Acting Consul has complained to me that the Grain Taotai has treated him with gross discourtesy. To the despatches of the Acting Consul he has returned verbal messages, and he claims that he has received no instructions from

Enclosure 3 in No 218.

Mr. Denby to the Tsungli Yamen.

Peking, October 19th, 1899.

Messieurs les Ministres:

In an interview with one of Your Excellencies at the Yamen on the 8th instant I was assured that orders would be issued to the local authorities at Mukden to recognize and receive Mr. W. C. Hixson, Acting Consul of the United States.

The Consul had gone home on sick leave and Mr. W. C. Hixson had been appointed Acting Consul to fill the vacancy in accordance with the laws of the United States and his appointment had been approved by me.

On the 9th instant I was personally assured by one of Your Excellencies that the orders of recognition that I had asked for had been issued. On the 17th instant I received a telegram from Mr. Hixson stating that the Viceroy and Grain Taotai Tang having received instructions from the Prince and Ministers and that they declined to see him or to receive any despatch from him until his Chinese name was sent.

I notified you of the Chinese name of the Acting Consul and do not understand why it was not transmitted to Mukden.

The 17th instant I sent to you an urgent appeal to take immediate steps to secure the recognition of Mr. Hixson. I am not yet in receipt of any answer to this request.

In several despatches the Acting Consul has complained to me that the Grain Taotai has treated him with gross discourtesy. To the despatches of the Acting Consul he has returned verbal messages, and he claims that he has received no instructions from

from the Provincial authorities to recognize Mr. Hixson.

The Likin Taotai has also treated Mr. Hixson with discourtesy He returned a despatch sent to him because it was not addressed to his associate also. He sent verbal instructions by a coolie that he refused to recognize the Acting Consul, and the coolie conducted himself in a noisy and disrespectful manner. The Viceroy though appealed to has refused to intervene in behalf of proper treatment to the Acting Consul.

It is understood that there is a difference of opinion between the Acting Consul and the local authorities as to the payment of likin, and as to what are the limits of the port of Foochow, and these questions will have to be settled, but it is not necessary that illfeeling and discourteous treatment should be engendered and practiced in the discussion of public questions.

I request you to require the Grain Taotai, the Likin Taotai and the Viceroy to explain to the Acting Consul their conduct, and to order them to treat the United States official with proper respect and consideration.

Enclosure 3 in No 1618

from the Provincial authorities to recognize Mr. Hixson.

The Likin Taotai has also treated Mr. Hixson with discourtesy. He returned a despatch sent to him because it was not addressed to his associate also. He sent verbal instructions by a coolie that he refused to recognize the Acting Consul, and the coolie conducted himself in a noisy and disrespectful manner. The Viceroy though appealed to has refused to intervene in behalf of proper treatment to the Acting Consul.

It is understood that there is a difference of opinion between the Acting Consul and the local authorities as to the payment of likin, and as to what are the limits of the port of Tungchow, and these questions will have to be settled, but it is not necessary that illfeeling and discourteous treatment should be engendered and practiced in the discussion of public questions.

I request you to require the Grain Taotai, the Likin Taotai and the Viceroy to explain to the Acting Consul their conduct, and to order them to treat the United States official with proper respect and consideration. Viceroy and Grain Taotai say having received instructions from the Prince and Ministers and that they declined to see him or to receive any despatch from him until his Chinese name was sent.

I notified you of the Chinese name of the Acting Consul and to not understand why it was not transmitted to Pekin.

The 17th instant I sent to you an urgent appeal to take immediate steps to secure the recognition of Mr. Hixson. I am not yet in receipt of any answer to this request.

In several despatches the Acting Consul has complained to me that the Grain Taotai has treated him with gross discourtesy. To the despatches of the Acting Consul he has returned verbal messages, and he claims that he has received no instructions from

Enclosure 4 in No. 2618.

The Tsungli Yamen to Mr. Denby.

Informal

Peking, October 21st, 1896.

Your Excellency:

We have had the honor to receive Your Excellency's note, in regard to the appointment of Mr. William C. Hixson as Acting U. S. Consul at Foochow, wherein you state that you do not understand why there is any delay in recognizing him, and you asked that another telegram be sent to the Foochow authorities to recognize Mr. Hixson.

Your Excellency further stated that the Grain Taotai declined to see Mr. Hixson or receive any despatch from him, and that the Likin Taotai had also treated him with discourtesy; that it is understood that there is a difference of opinion between the Acting Consul and the local authorities as to the payment of likin, and as to what are the limits of the port of Foochow and these questions will have to be settled, but it is not necessary that ill-feeling and discourteous treatment should be engendered and practiced in the discussion of public questions.

We would observe that the Yamen has received two previous notes from Your Excellency in regard to Mr. Hixson's appointment and addressed you a reply on the 19th instant.

The Viceroy of Foochow has telegraphed that it is right and proper that Mr. Acting Consul Hixson should be recognized, but he further states that on several occasions he has meddled in likin smuggling cases. On the 16th instant he rushed into the Yamen of the Grain Taotai and used improper language. He insisted on being received but on account of his behavior the Grain Taotai would not see him. He thereupon created a disturbance, his pur-

Enclosure 4 in No. 2618.

The Tsungli Yamen to Mr. Denby.

Informal.

Peking, October 21st, 1899.

Your Excellency:

We have had the honor to receive Your Excellency's note, in regard to the appointment of Mr. William G. Hixson as Acting U. S. Consul at Pooohow, wherein you state that you do not understand why there is any delay in recognizing him, and you asked that another telegram be sent to the Pooohow authorities to recognize Mr. Hixson.

Your Excellency further stated that the Grain Taotai declined to see Mr. Hixson or receive any despatch from him, and that the Likin Taotai had also treated him with discourtesy; that it is understood that there is a difference of opinion between the Acting Consul and the local authorities as to the payment of Likin, and as to what are the limits of the port of Pooohow and these questions will have to be settled, but it is not necessary that ill-feeling and discourteous treatment should be engendered and practiced in the discussion of public questions.

We would observe that the Yamen has received two previous notes from Your Excellency in regard to Mr. Hixson's appointment and addressed you a reply on the 19th instant.

The Viceroy of Pooohow has telegraphed that it is right and proper that Mr. Acting Consul Hixson should be recognized, but he further states that on several occasions he has meddled in Likin smuggling cases. On the 19th instant he rushed into the Yamen of the Grain Taotai and used improper language. He insisted on being received but on account of his behavior the Grain Taotai would not see him. He thereupon created a disturbance, his pur-

purpose evidently being to seek a quarrel. The Viceroy requested the Yamen to ask Your Excellency to instruct him to refrain from such conduct to the end that friendliness may prevail.

The Yamen would observe that the Chinese authorities at Foochow have recognized Mr. Hixson as Acting Consul temporarily and he should be properly treated, but he acted improperly in rushing into the Yamen of the Grain Taotai and creating a disturbance.

We have therefore the honor to request Your Excellency to instruct the Acting Consul to act in a proper manner and discuss questions in a harmonious manner and not seek a quarrel thus imparing the friendly relations existing.

The Attorney General will seek a court
injunction prohibiting enforcement of the Clean Water Act
in the case of Rapanos v. United States, which the Supreme
Court has agreed to hear. Mr. Rapanos owns property in
Michigan that he wants to develop, but the Army Corps of
Engineers says the land is a wetland and cannot be filled
in. The Attorney General will argue that the Army Corps
has overstepped its authority under the Clean Water Act.

The Attorney General is confident that he will win
the case, but if he loses, he will ask the Supreme Court
to rehear it. Mr. Rapanos's attorney has said he will
appeal to the Supreme Court if necessary.

The Attorney General is confident that he will win
the case, but if he loses, he will ask the Supreme Court
to rehear it. Mr. Rapanos's attorney has said he will
appeal to the Supreme Court if necessary.

No. 2619

DIPLOMATIC
DEC 1 1896
BUREAU

Assistant SECRETARY
NOV 30 1896
DEPARTMENT OF STATE

Legation of the United States,

Peking, October 26th, 1896.

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NOV 30 1896
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Mr. Denby to the

Secretary of State.

Dpl. Bur
Arch Div

Subject:

Li Hung-chang.

Synopsis:

Appointed member of Tsung li Yamen. Makes a friendly call. Returns thanks for civilities in United States. Turned over to Board of Punishments for penalty.

One enclosure.

No. 2619

Legation of the United States,
Peking, October 26th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that the Grand Secretary, Li Hung-chang, was by a decree issued the 24th instant appointed a member of the Tsungli Yamen. He will assume his duties in seven days.

He called on me yesterday explaining that he did not come

come on account of his new appointment to make a formal call, but he came in a friendly way, to express to me his thanks for his cordial and hospitable treatment in the United States.

He spoke in the kindest manner of his reception, and expressed himself as delighted with it in every respect. He inquired why the Government did not decorate him, and when I said that we were a Republic and did not confer decorations he said he knew that and that he was simply joking. He bewailed the small salaries paid to Cabinet officers and said that all

all of them had told him they were going back into private life. He described some of the banquets that were given to him and expressed his regret that he could not accept any of the numerous invitations that he received to visit various cities, on account his time being so limited.

In spite of all this apparent friendliness I have reason to believe that he has been interfering with a pending contract about to be made with an American syndicate to build railroads, and that his influence in this regard has been deleterious.

As matter of news and as illustrating

illustrating the procedures of
1/2619 this Government I enclose a
translation of an imperial decree
by virtue of which Li was
handed over to the Board of
Punishments for the determination
of a penalty because he entered
the precincts of the old Summer
Palace.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure:
Translation of imperial decree.

Enclosure 1 in No. 2619

A Decree issued by the Emperor of China on the 24th of October.

On the 21st of October Li Hung-chang unauthorizedly entered the Yuan Ming Yuan (Summer Palace) which is forbidden ground and strolled about looking at the place. This is an act decidedly in violation of the Regulations.

Let him be handed over to the Board for the determination of a penalty.

illustrating the procedures of
this Government in regard to
translation of an imperial decree
by virtue of which Li was
sentenced to the Board of
Punishments for the infliction
of a penalty because he entered
the precincts of the old Summer
Palace

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure:
Translation of imperial decree.

File

ASSISTANT SECRETARY
NOV 30 1896
DEPARTMENT OF STATE

DIPLOMATIC
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No. 2620.

Legation of the United States.

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RECD.
NOV 30 1896
DEPT. OF STATE

Peking, October 27th, 1896.

Mr. Denby to the

Secretary of State.

Dispatch Read
Ans'd

Subject

Sheng Taotai General Manager of Railroads

Synopsis

By a decree of the 20th instant, Sheng Hsuan-hoai made General Manager of the Chinese General Railroad Bureau.

1/62

One enclosure.

No 2620.

Legation of the United States,

Peking, October 27th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose a translation of a decree published in the Peking Gazette of the 20th instant, nominating Sheng Hsuan-huai, Taotai of the port of Tientsin, as Manager of the General Railroad Bureau.

1/620

Sheng Taotai is well known in China as a wealthy and progressive business man. He is the head of

the

the Chinese Telegraph Administration and of the China Merchants Steam Ship Company, and is largely interested in cotton mills at Shanghai, in mines and other enterprises. It is the intention of China to first undertake the construction of the line from the Lu Kou Bridge, some eight miles west of Peking, to Hankow on the Yangtze River. This line will connect at Lu Kou Bridge with the line now under construction from Peking to Tientsin. It is stated that the terminus of the line at Peking will be at the Yung Ting Mên, the central gate at the south of the Chinese city. I am informed that the financial arrangements for this

line

line include both Chinese official advances and merchants' subscriptions to stock, which are to be supplemented if possible by a foreign loan. The details of this loan are now being discussed but are, as yet, so undetermined as to make a statement thereof premature.

The post of Director of a Court, or Ching Tang in Chinese, conferred on Sheng, involves no duties but places him on an equality with governors of provinces and enables him to memorialize the Throne direct.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

Enclosure: Translation as above.

Enclosure in No 2620.

Translation from Peking Gazette of October 20th 1896.

Imperial Edict — Wang Wen-Shao and Chang Chih-tung have presented a further memorial as to the method of building the railroad from Lu Kou Chiao to Hankow, in which they ask the establishment of a General Railroad Bureau and they recommend Sheng Hsuan-huai as Manager thereof.

We command that Sheng Hsuan-huai, Customs Taotai of Tientsin in the province of Chihli, vacate that post, that he be appointed Expectant Director of a Board, with official rank of the fourth grade, and that he take charge of the business of the General Railroad Bureau.

Respect this!

No 2621.

DIPLOMATIC
DEC 5 1896
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Asst Com'r mention

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Legation of the United States.
Peking, October 27th, 1896.

— W. Charles Denby —
to the
— Secretary of State —
— Subject — √ To Civil Service Com'n Dec. 8.

Rules for literary Examinations in China.

— Synopsis. —

Will forward them if desired.

— - - - -

No 2621.

Legation of the United States.
Peking, October 27th, 1896.

To the Honorable
Richard Olney,
Secretary of State
Washington, D.C.

Sir:—

Referring to my despatch No 2611, of October 3d, relating to the interchange of annual reports of the United States Civil Service Commission with China, I have the honor to state that the Tsungli Yamen have forwarded to this Legation four Tao, or cloth wrappers, containing forty Volumes of the rules for the Literary Examinations.

There is no translation of these volumes in English.

Should the Department desire

to

to have these books forwarded they will be sent.

The Rules of the Board of Civil Office have not as yet been sent to this Legation.

I have the honor to be,
Sir,
Your obedient servant
Charles Denby

No. 2622. Mr. Denby

Legation of the United States,

Peking, October 28th, 1896.

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DIPLOMATIC DEC 5 1896 BUREAU.

DEC 9 1896 DEPT. OF STATE

Mr. Denby to the

Secretary of State. copy

Subject:

Passport Regulations in China.

Synopsis:

Department's circular of September 1st, 1896 answered.

No. 2622

Legation of the United States,
Peking, October 28th, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of Department's circular of September 1st, 1896 relating to passport Regulations in China and to send the following answers to each question seriatim.

1st Question. Are foreigners required to have passports before they are admitted to the country

to

to whose government you are accredited? If so, what are the laws and regulations on the subject?

Answer: Foreigners are not required to have passports before they are admitted to China. It is, however, best to have them. The treaties with the United States contain no specific clause as to passports. The Western Powers have acquiesced in the provision made on this subject in the 9th Article of the British Treaty of 1858 which reads as follows:

"British subjects are hereby
"authorized to travel, for their
"pleasure or for purposes of trade,
"to all parts of the interior under passports

" passports which will be issued by
" their Consuls, and countersigned
" by the local authorities. These
" passports, if demanded, must be
" produced for examination in the
" localities passed through. If
" the passport be not irregular,
" the bearer will be allowed to
" proceed, and no opposition shall
" be offered to his living persons,
" or hiring vessels for the carriage
" of his baggage or merchandise.
" If he be without a passport, or
" if he commit any offence against
" law, he shall be handed over to
" the nearest Consul for punishment,
" but he must not be subject to
" ill-usage in excess of necessary
" restraint. No passport need be
applied

" applied for by persons going on
" excursions from the ports open
" to trade to a distance not
" exceeding 100 li, and for a
" period not exceeding five days.
" The provisions of this Article
" do not apply to crews of ships,
" for the due restraint of whom
" regulations will be drawn up
" by the Consul and the local
" Authorities.
" To Nanking, and other cities,
" disturbed by persons in arms
" against the Government, no pass
" shall be given, until they shall
" have been recaptured."

Passports are issued by this Legation. They are visèed by the Governor of Peking. They permit

permit travel in four provinces.
2d Question. What are the laws and regulations so far as they affect foreign sojourners?
Answer: All foreigners can reside and do business at the Treaty Ports. Missionaries are allowed to reside, and buy and hold land in the interior.
Foreigners who are not missionaries cannot reside in the interior.
Peking is not open to foreign trade, but four foreign merchants reside and do business here and the Hongkong and Shanghai Banking Corporation has a branch office here.
Under the favored nation clause an American merchant could

could secure the right to reside at Peking.

3rd Question. What are they so far as they concern the departure of foreigners?

Answer: There are no regulations as to the departure of foreigners. They go at their pleasure. The laws and regulations touching foreigners are found in the Treaties. There are no laws and regulations inconsistent with the Treaties, because the foreigner in China has the benefit of extra-territoriality.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

No. 2623

Mr. Adair

ASSISTANT SECRETARY
DEC 7 1896
DEPARTMENT OF STATE.

Legation of the United States

Peking, October 29th, 1896.

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Rec'd. Dec. 9.

Mr. Denby to the

Secretary of State.

DIPLOMATIC
DEC 8 1896
BUREAU.

Subject:

The claim of the American Trading Company.

Synopsis:

Beans have been exported for several years from Newchwang to Japan. Argument enclosed renewing demand for payment.

One enclosure.

No. 2623

Legation of the United States.

Peking, October 29th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In my despatch No. 2612 of the 5th instant I enclosed copies of correspondence with the Tsungli Yamen relating to the claim of the American Trading Company for damages on account of the Customs having refused to allow two ships chartered by the Company to be cleared for Japan.

Since

Since writing that despatch an examination of the records and facts touching the exportation of beans and beancake from Newchwang to Japan has shown that such exportation has been permitted for several years.

1/2623 It will be seen by the enclosed copy of a paper to the Yamen that I have renewed my demand for payment.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure:
Mr. Denby to the Tsungli Yamen,
No. 34 October 29th, 1896.

Enclosure in No. 2623

Mr. Denby to the Tsungli Yamen.

No. 34 Peking, October 29th, 1896.

Messieurs les Ministres:

I have the honor to acknowledge the receipt of your communication of the 10th ultimo.

This communication is an answer to one of my own of the 27th August relating to the claim of the American Trading Company for damages because the Customs at Newchwang unlawfully refused to allow that Company to ship beans and beancake from that port to a port in Japan.

You embody in this paper a report made by the Inspector General of Maritime Customs, wherein he says among other things that by treaty between China and Japan Japanese vessels are not allowed to export beans or beancake from Tungchow and Newchwang.

I am entirely aware that under the XXII Article of the "Regulations for Trade appended to Treaty between Japan and China" Japanese vessels were not allowed to export beancake from Tungchow and Newchwang."

What influence this article has on the matter in hand is not perceptible. The ships in question were not Japanese ships, but German ships chartered by an American firm. They were neutrals. Besides the Inspector General must know, because the fact is notorious and has been time and again given to the world by himself that for several years before the recent war ships of all nationalities were allowed without let or hindrance to export beans to Japan, and every where else.

Article

Article XXX of Treaty with Great Britain of November 19, 1794.

I am instructed by the Secretary of State to transmit herewith a copy of a letter from the Secretary of the Treasury, with its enclosure, relative to the claim of Messrs. Wadsworth and Brown under Article XXX of the Treaty with Great Britain of November 19, 1794.

Inasmuch as the Secretary of State has no information in the premises, he has referred the papers to the Secretary of the Treasury, who has reported that the claim is not within the provisions of the Treaty, and that the Department of State concurs in that opinion.

Respectfully submitted.

Washington, October 22, 1880.

No. 34

Messrs. the Ministers:

I have the honor to acknowledge the receipt of your communication of the 19th ult. to the Secretary of State, and to inform you in reply that the claim of Messrs. Wadsworth and Brown has been referred to the Secretary of the Treasury, who has reported that the claim is not within the provisions of the Treaty, and that the Department of State concurs in that opinion.

Respectfully submitted.

Hamilton Fish.

Messrs. Bancroft Davis, Thornton, Blake, Cushing, Foster, Lothrop, Motley, Schenck, Taylor, Wallace, Washburn, Welsh, Wharton, Wheaton, Wilson, Woolsey.

Article 5 of Rule 5 of the Chinese Customs Rules appended to the British Treaty of 1858 prohibited the export of pulse and beancake from Newchwang under the British flag, but the rule was rescinded on the 5th December 1861.

I append hereto a copy of an affidavit made by Henry Adolph Bush wherein he swears that the German Steamers "Rheingold" and "Vorwaerts", for which he was agent, were not allowed by the Imperial Maritime Customs to clear for Japan with beans or beancake after the 5th November 1894 and that the British str. "Feilung" and the Norwegian steamer "Progress" cleared for Japan with cargoes of beans and beancake on the second of August 1894.

This affidavit disposes of the question put by the Inspector General "how could the Customs in violation of the spirit of the treaty make out documents?" Besides the Returns of the Customs for several years uniformly show that the "spirit of the treaty" was disregarded.

I have not gone through all these returns but have examined some of them to which I call attention.

In the Returns of Trade and Trade Reports for the year 1892 for the Port of Newchwang 508,264 piculs of Beancake, and 856,458 piculs of Beans were reported as exported from Newchwang.

The Commissioner on page 2 says: "The large increase in the Bean and Beancake trade with Japan is said to be due to the failure of the Bean crop in that country and in Corea, also to the scarcity of fish manure, for which beancake is used as a substitute."

On page two of the Returns of Trade published by the Imperial Maritime Customs for the year 1893 in the Newchwang Trade Report occurs the following: "Beans and Beancake, <u>of course</u>, comprise the great bulk of our shipments to Japan."

In

of Chinese customs duties to 5 & 7½ to the British Treaty of 1858 to 8 & 10 to the British Treaty of 1902 to be paid in addition to the Native Duties. Article 8 of the Mackay Treaty of 1902 provides that "Likin and other Provincial taxes on goods in transit shall be abolished after the lapse of two years from the date of the ratification of the present Treaty." Article 9 of the Mackay Treaty of 1902 provides that "Likin and other Provincial taxes on goods in transit shall be abolished after the lapse of two years from the date of the ratification of the present Treaty." Article 10 of the Mackay Treaty of 1902 provides that "Likin and other Provincial taxes on goods in transit shall be abolished after the lapse of two years from the date of the ratification of the present Treaty."

Article 11

In the Returns of Trade for 1894 page 2 the export trade of Newchwang is largely discussed. The consideration of the "chief Staple", beans and beancake, is given great prominence. The Commissioner says: "The export of beans to Japan during the first four months of the open season amounted to 724,302 piculs against 1,060,538 piculs in 1893." In the same publication for 1895 page 616 we read: (b) Exports. "While the Chinese refused to purchase the manufactured productions of Japan the latter country could not forego its supply of Beancake and Beans X X."

The question of treaty prohibition was not raised at Newchwang when the events under consideration occurred, as it could not have been, in face of the practical abrogation of the treaty. I have been very credibly informed that before the war no objection was made to Japanese ships clearing for Japan with cargoes of beans, and it was the common practice to do so. Certainly ships of all other nationalities did so.

On the 24th October 1894 the notice which occasioned all this trouble was posted at Shanghai. It read as follows: "Beans and Beancake may be exported by neutrals as before the outbreak of hostilities."

The American Trading Company received assurances that this notice applied to Newchwang. November 20th, 1894 I addressed the Inspector General of Imperial Maritime Customs on the subject. November 29th, 1894 he answered that this notice did apply to Newchwang. He denies that the Newchwang Customs prevented the ship in question from loading for Japan but he says "possibly the Taotai did." He does not in his communication to me say one word about any prohibition existing against shipping beans to Japan, but in his report to you he dwells largely on this subject.

If

In the Returns of Trade for 1884 page 5 the export trade to Newchwang is largely discussed. The consideration of the British Agency at Newchwang, 1858-1864 brought to Newchwang 1858-1864 the office which occasioned all this confusion on the 24th October 1884 the office which occasioned all this confusion

trouble was posted as Shanghai. It read as follows: "Reuse and Resnicke new be exported by Newchang as before the outbreak of hostilities."

The American Trading Company received assurances that this office should be transferred to Newchwang. November 20th, 1884 I Inspector General of Imperial Maritime Customs on the subject. Inspector General to Imperial Maritime Customs to the subject. November 24th, 1884 be summoned that this office did apply to Newchwang. He denied that the Newchwang Customs prevented the Viceroy" even be from looking for when it should be required. but he was not to the Post Office did." He does not in his communication to me use one of those words which implied absolute prohibition. Reuse and Resnicke' be sent by the Post Office to Newchwang, but it is to report of now be allowed Imperial Maritime Customs

If there had been any prohibition against shipping beans to Japan before the war why did not the Inspector General mention it in November 1894, when the whole occurrence was fresh? If he had written to me that beans had never been permitted to be shipped from Newchwang to Japan, and if on investigation I had found the statement to be true, I would not have presented this claim, but I have shown that the fact is notoriously true that beans were shipped from Newchwang to Japan for some years. The Records published by the Inspector General proves this to be true, as I have shown. In the report under consideration the Inspector General endeavors to show that the Customs have nothing to do with clearing a ship and have no authority to dictate the ports to which it may be cleared. Mr. Bush swears that in this case the Customs would not allow the ships in question to clear for Japan. In this matter there were two treaties under which the export of beans to Japan from Newchwang was prohibited. The Customs waived them both, and the trade was regularly allowed until two ships chartered by Americans desired to go into it. China has the right to waive any clause in any treaty that is for its own benefit. The Inspector General rather ambiguously seems to claim that the Customs have not under any circumstances the right to determine where a ship shall go, but that the proper Consul controls the question. I cannot believe that he is serious in this contention. He certainly will not state directly that a Consul has the right to set at naught the rules of the port, or that he can give clearances to ships contrary to the usage and custom and law prevailing. It may be that in the general the Inspector General has correctly stated the practice of issuing clearances, but he certainly will not admit that the Consul is

supreme

of armed Anglais's presence notwithstanding the need had there it
noitaem Lerenes tofoerel ehT .nosaeR detoted nagel
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?ematsuq

supreme and can override usage, treaties and the expressed orders of the Customs. By the unlawful act of the Customs the two ships were forced to take a circuitous course. The damages suffered are simple questions of fact which are susceptible of proof.

If the notices of the Inspector General publicly posted at Shanghai to the effect that all ports are open for trade can be annulled by his subordinates at their pleasure chaos will come again. You allude again to the fact that considerable time elapsed before this claim was presented to you. I have shown that I took the matter up immediately after its occurrence. It then became under the rules of the United States necessary to present it to the State Department and for it to decide whether I should demand payment of the claim. For these reasons there was some delay, but I am not aware that there is any statute of limitations existing in China which bars claims which are presented two years after they accrue.

I therefore renew my demand that this just claim be paid.

Charles Denby

It was decided by the Inspector General Department to accept the proposal of Mr. Edmund Bellamy as he offered to take a circuitous course. The passage entitled to boat was then granted to Mr. Bellamy.

Il fut décidé par le Département de l'Inspecteur Général d'accepter la proposition de Mr. Edmund Bellamy comme il offrait de prendre un chemin détourné. Le passage fut alors accordé à Mr. Bellamy.

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COPY.

I, Henry Adolph Bush, of the Firm of Bush Brothers hereby make oath and say that the German steamers "Rheingold"and "Vorwaerts"for which I was the agent in Newchwang acting for The American Trading Co. of Shanghai, were not allowed by the Imperial Maritime Customs to clear for Japan with Beans &/or Beancake after the 5th. Nov. 1894 & that the British str. "Feilung"& the Norw. str. "Progress"cleared for Japan with cargoes of Beans &/or Beancake on the 2nd. August 1894.

Newchwang 3rd. Oct. 1896.

(signed) Henry Adolph Bush

Sworn and signed before me this third day of October 1896

(signed) A. Hosie

H.B.M. Acting Consul.

H.B.M. Consulate,

Newchwang,

October 3rd.1896.

COPY.

I, Henry Adolph Bush, of the City of Bush Bluffs, Notary
Public duly admitted and sworn do hereby certify that the
annexed "Protest" of the German steamer "Amsterdam"
with her cargo of Newcastle coal for the
American Trading Co. of Shanghai, were not all sworn to by the Masters
Mate of the said. Nov. 15th & first of the British ship "Neptune" &
that the said "Protest" was read over to each Master with Messrs Beseke
& Co\s Agents & Notary Public and by them signed & sworn to
Before me on the 2nd. August 1884.

Newcastle 3rd. Oct. 1884.

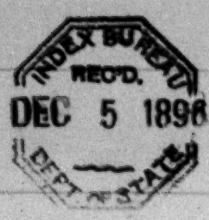
Henry Adolph Bush (Seal)
Notary Public

I certify that on the 15th day of October 1884
Known and signed before me at his said City
Alex. A. Hosie (Seal)
Notary Public.

H.B.M. Consulate.
Newcastle.
October 3rd. 1884.

No. 2624.

Legation of the United States.



Peking, October 29th, 1896.

Mr. Denby to the

Secretary of State.

Subject

Confirms telegram of October 28th

No 2624.

Legation of the United States.

Peking, October 29th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to confirm your telegram of yesterday's date as follows:

"Your twentyfive ninety three

"received. See no ground for safe

"protest".

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

No 2625.

DIPLOMATIC
DEC 7 1896
BUREAU.

ASSISTANT SECRETARY
DEC 7 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
DEC 5 1896
DEPT. OF STATE

Legation of the United States.

Peking, October 30th, 1896.

1 To Navy Dec. 8

Mr. Denby to the

Secretary of State.

Dupl. Rec'd
Cy to Navy Dept
Answered Dec 7th

Subject

Effort of Americans to sell ships to China

Synopsis

Encloses copy of an argument prepared by Commander Barber in behalf of American ships for the Chinese navy.

One enclosure.

No 2625.

Legation of the United States.

Peking, October 30th, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a copy of an argument in favor of American ships for the Chinese Navy, prepared at the request of the Tsungli Yamên by Commander Barber, late of the United States Navy, now in the employ of Carnegie & Co. of Pittsburgh, Pennsylvania.

Mr. Barber was introduced by me to the Yamên for the purpose of soliciting

orders

orders for war vessels to be built in the United States. He was favorably received and on leaving was requested to present in writing the points which he had discussed. The argument thus prepared by him was translated into Chinese by the First Secretary of this Legation and presented by me today to the Yamën.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

Argument as above.

Enclosure in No. 2625.

ARGUMENT PREPARED AT THE REQUEST OF THE TSUNGLI YAMEN

SEPTEMBER 18th, 1896, BY

COMMANDER F. M. BARBER, UNITED STATES NAVY, (RETIRED)

TO SHOW WHY CHINA SHOULD BUY THE SHIPS FOR ITS NEW NAVY FROM

THE SHIP-BUILDERS OF THE UNITED STATES.

orders for war vessels to be built in the United States. He was favorably received and on leaving was requested to present in writing the points which he had discussed. The argument thus prepared by him was translated into Chinese by the First Secretary of this Legation and presented by me today to the Yamen.

I have the honor to be,

Your obedient servant,

Charles Denby

Enclosure:

Argument as above.

THE REASONS FOR CHINESE ACTION IN THIS RESPECT

NATURALLY DIVIDE THEMSELVES AS FOLLOWS:

1st. POLITICAL.

2nd. GEOGRAPHICAL.

3rd. NAVAL.

4th. TECHNICAL.

5th. FINANCIAL.

1st. POLITICAL.

The reasons arising from the friendly relations, above that of other nations, which always have and always will exist between China and the United States, as exemplified by the important services rendered by the latter during the late war, need no demonstration by me and are already well known to the Yamen.

2nd. GEOGRAPHICAL.

The Coast of China bears a striking similarity to that of the Atlantic Coast of the United States in the fact that it is so shallow that the mean draft of her heaviest ships cannot exceed 24 feet, and that of vessels able to enter all her ports, except Tientsin, must not exceed 16 feet. The Atlantic coast of the United States is similarly conditioned and her vessels have been designed accordingly.

3rd. NAVAL.

The most essential and important vessels of any nation are its battle-ships and, governed by the above conditions, the United States has designed her battle-ships with a displacement of about 11,000 tons and a mean draft of 24 feet: but, while they are thus a third less in size and a third less in cost than the largest battle-ships built in Europe, they carry as heavy armor and guns as the latter and are therefore fully equal to them in powers of offense and defense. They carry this heavy armor and battery at the expense of the supply of coal, as they are intended for coast defense and not for long voyages and this is the policy that should be pursued by China.

The United States has also a type of Monitor of about 4000

The most essential and important necessity of any
nation are its battle-ships and, moreover by the above conditions,
the United States and Germany must battle-ships with a displace-
ment of about 11,000 tons and a mean draft of 24 feet: but, while
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the largest battle-ship built in Europe, they carry as heavy
guns and have as the latest and are fortified fully equal to
them in power of offense and defense. They carry this heavy
armor and battery at the expense of the supply of coal, as they
are intended for ocean defense and not for long voyages and fill
in the bottom that should be burned by China.

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in the bottom that should be burned by China.

The United States has also a type of monitor of about 4000

need designed accordingly.

The reasons originating from friendly relations.

Amen.

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important services rendered by the latest during the late war.

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above fact of other nations, which always prove and always will

The cause of China being a straining similarity to
that of the Atlantic Coast of the United States in the last that
it is so spelled that the mean draft of her heaviest ships cannot
exceed 24 feet, and that of vessels note to enter all her ports,
except triennially, must not exceed 21 feet. The Atlantic coast of
the United States is similarly conditioned and her vessels have

4000 tons, carrying very heavy armor and guns with a mean draft of 15 feet so that they are capable of entering all harbors and going up nearly all rivers. China should have such vessels also.

The idea seems to prevail among the leading Chinese Officials that very fast unarmored cruisers of 3000 to 4000 tons are the only type of vessels needed. No other nation is pursuing such a policy. These vessels are useful: but they cannot win battles against armored ships. Their chief features are high speed and numbers of rapid fire guns, and armored ships can carry as many rapid fire guns as unarmored ones and they can be built as fast and to carry more coal: but they must be larger, from 7 to 9000 tons, with a draft of 20 to 23 feet and a speed of 20 to 23 knots. The United States has vessels of this type and they would be essential to China and her allies in time of war to destroy the enemy's fast unarmored cruisers and his commerce.

The type of vessels of 3000 to 4000 tons lately ordered by China in England and Germany is very good, and the United States has several of this kind for foreign cruising in time of peace: but their importance in battle is not over-estimated in the United States as it apparently is in China. At the battle of Yalu the two most valuable vessels possessed by either party were the Chen Yuen and the Ting Yuen: but the Japanese possessed many more rapid fire guns than the Chinese.

Other types possessed by the United States, and which would be useful to China, are cruisers of 2000 tons with a draft of 14 to 15 feet and a speed of 19 knots and gunboats for river work of 1300 tons, draft 9 feet and speed of 13 knots together with a variety of torpedo boats. Also submarine boats of 168 tons with a speed of 15 knots on the surface, 14 knots when half submerged and 8 knots when totally submerged. These boats, when used in

essentially of China and yet unlike in time to war to destroy the enemy's naval armament centered and its commerce.

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Other types possessed by the United States, not mainly wooden as at present to China, are cruisers of 3000 tons with a draft of 14 to 15 feet and a speed of 15 knots and upwards for fight work of 1500 tons, draft 8 feet and speed of 21 knots together with a variety of footpace ports. Also armament ports of 108 tons with a speed of 15 knots on the surface. 14 knots when half submerged and 8 knots when fortified armoured. These ports, when used in

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against armored ships. Their chief resource are rapid fire guns and
many to rapid fire guns, and armored ships can carry as many
guns as can be built on fast
more coal: but they must be taken, from 7 to 8000
and to carry more coal: but they must be taken, from 7 to 8000
rapid fire guns as unarmored ones and they can be built as fast

in their half submerged condition and armed with torpedoes and with guns for throwing very large charges of dynamite, are the most promising inventions of the day in the field of naval warfare

No nation can complete its naval equipment without having a variety of ships for different uses. Japan has recognized this in her programme of enlargement of her navy. The naval bill which passed the Diet this year comprehended 1 battle-ship of 14000 tons; 2 armed cruisers of 7500 tons; 2 unarmored cruisers of 4500 tons and numerous torpedo boats. The two unarmored cruisers are to be built in the United States - their speed is 23 knots. The bill to be brought before the next Diet, and which will undoubtedly pass, comprehends 3 battle-ships of 14000 tons; 2 armored cruisers of 7500 tons; 2 unarmored cruisers of 4500 tons and numerous torpedo boats. One or two of the battle-ships, and probably some of the other vessels, are to be built in the United States. The Japanese battle-ships are to carry large supplies of coal for foreign cruising but as before stated China's policy should be to imitate the United States in this respect.

4th. TECHNICAL.

The technical reasons for building Chinese vessels in the United States are as follows:

1st. The quality of steel used in the hulls and machinery of vessels built for the United States Government is better than that of any other vessels in the world since the Government requirements in the matter of tests are higher and more rigidly enforced and the inspection of vessels in course of construction is most minute.

2nd. The quality of the armor manufactured in the United States is the best in the world. It is an alloy of steel and nickel, having a surfact superficially hardened with carbon and by the

The technical reasons for building Chinese vessels in the United States are as follows:

Ist. The quality of steel used in the hulls and machinery of vessels built for the United States Government is perfect from start to finish whereas the Chinese Government is experimenting in the matter of steels pipes and more rigidly enforced and the inspection of vessels in course of construction is most minute.

And. The quality of the armor mounted in the United States vessels is of much better quality, and more rigidly tested in the United States than in the country where the armor is made.

3rd. Time. The United States Government is perfect from the point of view of speed in the delivery of the ships to the purchaser. Take for instance the Diet ship now completed & battle-ships of 14000 tons: 5 armed cruisers of 4200 tons: 5 unarmored cruisers of 4200 tons and unarmed colliers & repair ships. The two unarmored cruisers are to be built in the United States - their speed is 23 knots. The hull to be launched before the next Diet, and which will undoubtedly pass, completing 5 battle-ships of 14000 tons: 5 armored cruisers of 4200 tons: 5 unarmored cruisers of 4200 tons and unarmed colliers & repair ships. One of two of the battle-ships, and two unarmored colliers are to be built in the United States, and armed with torpedoes and in their hull suppressed condition and armed with torpedoes and

[illegible] Chinese vessels are to cost [illegible] more than if built in the United States. The advantages battle-ships are to carry [illegible] guns. The speed is an object of great and nickel. It is an alloy of steel and nickel. It is the best in the world. [illegible] manufactured with carbon and by the

[illegible] a smaller superficial surface with carbon and by the

the latest invention of the Carnegie Company its destiny is increased by reforging.

3rd. The sides of both armored and unarmored vessels in the United States are now filled with fire-proofed, corn-pith cellulose at the water line. Practical experiment with this material has shown that, when a shot enters the side, the first water that follows it immediately swells the cellulose and allows no more water to enter. The vessel is thus rendered not only unsinkable: but it always remains on an even keel which is most important to the accuracy of the gun fire.

4th. It should be borne in mind that it has always been the custom in the United States to supply heavier batteries and more ammunition to our vessels than is the custom in Europe and this is a very important feature.

5th. TECHNICAL.

I was informed at my interview with the Yamen that Li Hung-chang had cabled from the United States that as good vessels could be built there as in Europe but that they cost more. It is true that the United States Government statistics show that the cost of our vessels has been in excess of those built in Europe: but this is largely due to the fact that the Government has been anxious to stimulate the ship-building industry and has paid large bounties for speed etc. etc. Now that they are well established the American ship-builders are ready and willing to compete with foreigners and, to my knowledge, the Chinese Government has not yet asked them for prices on any specified type of ship while the Japanese have done so. It is argued that China should not patronize American ship-builders because Argentine and other South American nations continue to place their orders in Europe. To this it can only be replied that where the agencies of well

I have informed my interpreter with the Krupp firm that a good all-round hard coated iron from the United States that an good average could be until there in my Europe but that they cost more. It is time that the United States government understands when that the cost of our average has been in excess of those until in Europe: but this is largely due to the fact that the government and has been anxious to attempt the anti-pollution treatment for beach ecp. etc. Now that they are well hard large ponties for beach ecp. etc. Now that they are well established the American anti-pollution are very hard to attempt to compete with foreign and, so my knowledge, the Chinese government has not yet asked them for prices on any specified type of anti white the laboratory have done so. It is stated that China pour de pollution americain anti-pollution pendant Argentine and other south American nations continue to brace their orders in Europe. To this it can only be replied that where the Americans do Law

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well known and reliable firms are well established in any part of the world it is difficult for a new comer to obtain a footing. Information regarding the intention of any Government in the matter of buying ships is usually kept secret and a new comer has not the channels of information of an old agent in this regard. It is conceded that the United States ships are as good as those built in Europe and all our builders want is an opportunity to bid. They have not been long established but they have had the opportunity of avoiding many of the mistakes made by foreign designers. An example of this might be cited in the case of the "Texas". The plans of this vessel were designed by the late Mr. Johns, of the Barrow Ship-building Company in England. The United States Government bought the plans at a time when it did not have sufficient confidence in its own designers and was anxious to have the best the world afforded. The great amount of criticism to which this vessel has been subjected, and which has been remarked by the Yamen, on account of her having been built of too light material and insufficiently braced, has caused her to become a useful object lesson to the United States ship-builders. Other examples might be cited but it is unnecessary and it may be confidently asserted that should China decide to place orders for ships in the United States she will have no occasion to regret it.

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to the world if it is difficult for a new comer to obtain a foothold.
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matter of buying shirts is usually kept secret and a new comer and
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No 2626 Catalogued and Sehaly Dec 8 1896 Volume

DIPLOMATIC
DEC 7 1896
BUREAU.

ASSISTANT SECRETARY
DEC 7 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
DEC 5 1896
DEPT. OF STATE

Bureau of Rolls & Library.
DEC 8 1896
Department of State.

Legation of the United States

Peking, October 31st, 1896.

Mr. Denby to the

Secretary of State.

Subject

The Commercial and Navigation Treaty between China and Japan.

Synopsis

Copy of Treaty enclosed - Divers articles thereof noticed briefly.

Two enclosures.

No 2626.

Legation of the United States.

Peking, October 31st, 1896.

To the Honorable

Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose a copy of the "Treaty of Commerce and Navigation between Japan and China", done at Peking the 21st day of July, 1896, ratified on the 29th September and ratifications exchanged in Peking on the 20th instant. I enclose, also, copies of some correspondence having reference to certain clauses of said treaty.

Under the favored nation clause

it

it is probable that controversies will arise touching various articles of this treaty. It is not expedient to go into detail until actual cases occur. I notice briefly certain of the new and more important articles of the treaty.

Article IV establishes the right to manufacture in China but is silent as to local taxation on goods manufactured by Japanese in China.

Article VI practically adopts the rules as to passports as contained in my despatch No. 2622 of the 28th of October.

Article IX provides that the payment of transit pass duties "shall exempt "the goods from all further inland "charges whatsoever". Controversies will arise over this clause. At this time the transit pass protects goods to the point

point of original destination, but when they are sent thence further into the interior they are liable to pay likin.

Article XII will also give rise to controversies. It exempts "all Chinese "goods and produce purchased by "Japanese subjects at the open ports of "China × × × from all internal taxes "etc. etc"

Article XIII provides for the reexportation of imported goods without payment of export duty.

Article XIV provides for the establishment of bonded warehouses at the several open ports of China, a much desired privilege.

Article XVIII enlarges the right of the Chinese authorities to prevent smuggling.

Article

Article XX retains extra-territoriality for the Japanese.

Article XXVII provides that either party may demand a revision of the tariff at the end of ten years from the date of exchange of the ratifications. If no such demand be made the treaty to remain in force ten years more, and so it shall be at the end of each successive ten years.

Article XXVIII provides that the English text shall govern in case of any divergence in the interpretation between the Japanese and Chinese texts.

In the correspondence appended to the treaty it is agreed that the tariffs for American ginseng shall be equally applicable to Japanese ginseng.

The

The correspondence also discusses the status to be assigned to Chinese subjects residing in Japan. The Chinese commissioner invokes the Austro-Hungarian treaty but Japan refuses to accord to Chinese subjects the rights growing out of extra-territoriality.

Altogether this treaty may be regarded as a distinct advance in the matter of international intercourse.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. Treaty of Commerce and Navigation between China and Japan.

2. Copies of correspondence relating thereto.

Enclosure 1 in No. 2626.

TREATY

of

COMMERCE and NAVIGATION

between

JAPAN and CHINA.

TREATY

to

COMMERCE and NAVIGATION

between

JAPAN and CHINA.

His Majesty the Emperor of Japan and His Majesty the Emperor of China, having resolved, in pursuance of the provisions of Article VI of the Treaty signed at Shimonoseki, on the 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsü, to conclude a Treaty of Commerce and Navigation, have for that purpose, named as Their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Baron Hayashi Tadasu, Thoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary; and His Majesty the Emperor of China, Chang Yen Hoon, Minister Plenipotentiary, Minister of the Tsungli Yamen, Holding the rank of the President of a Board and Senior Vice President of the Board of Revenue;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:

ARTICLE I

There shall be perpetual peace and friendship between His Majesty the Emperor of Japan and His Majesty the Emperor of China, and between their respective subjects who shall enjoy equally in the respective countries of the High Contracting Parties full and entire protection for their persons and property.

ARTICLE II

It is agreed by the High Contracting Parties that His Majesty the Emperor of Japan may, if he see fit, accredit a Diplomatic Agent to the Court of Peking and His Majesty the Emperor of China may, if he see fit, accredit a Diplomatic Agent to the Court of

Tokio

His Majesty the Emperor of Japan and His Majesty the Emperor of China, having resolved, in pursuance of the provisions of Article VI of the Treaty signed at Shimonoseki, on the 17th day of the 4th month of the 28th year of Meiji, corresponding to the 28rd day of the 3rd month of the 21st year of Kuang Hsü, to conclude a Treaty of Commerce and Navigation, have for that purpose, named as Their Plenipotentiaries, that is to say:

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Tokio.

The Diplomatic Agents thus accredited shall respectively enjoy all the prerogatives, privileges and immunities accorded by international law to such Agents and they shall also in all respects be entitled to the treatment extended to similar Agents of the most favored nation.

Their persons, families, suites, establishments, residences and correspondence, shall be held inviolable. They shall be at liberty to select and appoint their own officers, couriers, interpreters, servants and attendants without any kind of molestation.

ARTICLE III

His Majesty the Emperor of Japan may appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at such of the ports, cities and towns of China which are now or may hereafter be opened to foreign residence and trade, as the interests of the Empire of Japan may require.

These officers shall be treated with due respect by the Chinese Authorities, and they shall enjoy all the attributes, authority, jurisdiction, privileges and immunities which are or may hereafter be extended to similar officers of the nation most favored in these respects.

His Majesty the Emperor of China may likewise appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at any or all of those places in Japan where Consular officers of other nations are now or may hereafter be admitted, and, saving in the matter of jurisdiction in respect of Chinese subjects and property in Japan which is reserved to the Japanese Judicial Courts, they shall enjoy the rights and privileges that are usually accorded to such officers.

ARTICLE IV

ARTICLE IV

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Tokio.

The Diplomatic Agents thus accredited shall respectively

ARTICLE IV

Japanese subjects may, with their families, employes and servants, frequent, reside and carry on trade, industries and manufactures or pursue any other lawful avocations in all the ports, cities and towns of China, which are now or may hereafter be opened to foreign residence and trade. They are at liberty to proceed to or from any of the open ports with their merchandise and effects and within the localities at those places which have already been or may hereafter be set apart for the use and occupation of foreigners, they are allowed to rent or purchase houses, rent or lease land and to build churches, cemeteries and hospitals, enjoying in all respects the same privileges and immunities as are now or may hereafter be granted to the subjects or citizens of the most favored nation.

ARTICLE V

Japanese vessels may touch for the purpose of landing and shipping passengers and merchandise in accordance with the existing Rules and Regulations concerning foreign trade there, at all those places in China which are now ports of call, namely Ngan-ching, Ta-tung, Hu-kow, Wu-sueh, Lu-chi-kow, and Woo-sung and such other places as may hereafter be made ports of call also. If any vessel should unlawfully enter ports other than open ports and ports of call in China or carry on clandestine trade along the coast or rivers, the vessel with her cargo shall be subject to confiscation by the Chinese Government.

ARTICLE VI

Japanese subjects may travel, for their pleasure or for purposes of trade, to all parts of the interior of China, under passports issued by Japanese Consuls and countersigned by the

local

passports issued by diplomatic and consular officers of the
Contracting States, to all ports of the interior of China, subject
to such exceptions as may from time to time be agreed upon by the
Chinese government.

ARTICLE IV

Chinese subjects may travel, for their pleasure or for
business purposes, to all parts of the interior of China, subject
to the regulations governing the issuance of passports by the
Chinese government.

ARTICLE V

Chinese subjects may freely import into China all articles
of commerce, and may freely export therefrom any articles which
may not be specifically prohibited by the Chinese government.
Such articles may be imported into China or exported therefrom
at any port open to such trade by Chinese or foreign subjects,
and may be conveyed between any two such ports by Chinese or
foreign vessels, but subject always to the payment at the port
of importation or exportation of such duties as may be legally
imposed thereon, and to such conditions as may be legally
attached thereto, in accordance with the existing Regulations
governing the same at the port of importation or exportation,
and to such general charges as may be legally imposed upon
vessels, cargoes, freights or passengers at the port by the
local authorities, it being understood that no charges or
restrictions will be imposed which are not applicable
equally to the vessels of all nations and to the subjects or
citizens of the most favored nation.

ARTICLE VI

Chinese subjects may, with their families and employees,
reside at any place in China and rent houses and warehouses
and lease land therein for the purposes of residence and
trade, and shall be permitted to rent or lease premises for
warehouses, factories, offices and godowns, and to employ
servants, teachers, clerks and assistants of their own choice
whether Chinese or foreign. They shall also be permitted to

Local Authorities. These passports, if demanded, must be produced for examination in the localities passed through.If the passports be not irregular, the bearers will be allowed to proceed and no opposition shall be offered to their hiring of persons, animals, carts or vessels for their own conveyance or for the carriage of their personal effects or merchandise. If they be without passports or if they commit any offence against the law, they shall be handed over to the nearest Consul for punishment, but they shall only be subject to necessary restraint and in no case to ill-usage. Such passports shall remain in force for a period of 13 Chinese months from the date of issue. Any Japanese subject travelling in the interior without a passport shall be liable to a fine not exceeding 300 Taels. Japanese subjects may, however, without passports go on excursions from any of the ports open to trade, to a distance not exceeding 100 Chinese li and for a period not exceeding 5 days. The provisions of this Article do not apply to crews of ships.

ARTICLE VII

Japanese subjects residing in the open ports of China, may take into their service Chinese subjects and employ them in any lawful capacity without restraint or hindrance from the Chinese Government or Authorities.

ARTICLE VIII

Japanese subjects may hire whatever boats they please for the conveyance of cargo or passengers and the sum to be paid for such boats shall be settled between the parties themselves, without the interference of the Chinese Government or officers. No limit shall be put upon the number of boats, neither shall a monopoly in respect either of the boats or of the porters or

coolies

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coolies

coolies engaged in carrying goods, be granted to any parties. If any smuggling takes place in them the offenders will of course be punished according to law.

ARTICLE IX

The Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan. It is clearly understood that all articles the importation or exportation of which is not expressly limited or prohibited by the Tariffs and Tariff Rules existing between China and the Western Powers, may be freely imported into and exported from China, subject only to the payment of the stipulated import or export duties. But in no case shall Japanese subjects be called upon to pay in China othsr or higher import or export duties than are or may be paid by the subjects or citizens of the most favored nation; nor shall any article imported into China from Japan or exported from China to Japan, be charged upon such importation or exportation, other or higher duties than are now or may hereafter be imposed in China on the like article when imported from or exported to the nation most favored in those respects.

ARTICLE X

All articles duly imported into China by Japanese subjects or from Japan shall while being transported, subject to the existing Regulations, from one open port to another, be wholly exempt from all taxes, imposts, duties, lekin, charges and exactions of every nature and kind whatsoever, irrespective of the nationality of the owner or possessor of the articles, or the nationality of the conveyance or vessel in which the transportation is made.

ARTICLE XI

ARTICLE XI

The Parties and Parties Hereto in Force between China and

the Republic of Korea shall apply to all articles

which may be hereafter agreed upon between them.

ARTICLE X

All articles duly imported into China by the

citizens of the United States, subject to the exac-

tion of which is not expressly limited by the pro-

visions of the present Treaty, may be sold by the

importer to any Chinese citizen or firm without

restriction; and in like manner all articles

exported from China by such citizens shall be

liable to the export duties fixed upon the

like articles exported by Chinese citizens or

subjects, and no other or higher duties shall

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exported from China by such citizens shall be

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like articles exported by Chinese citizens or

subjects, and no other or higher duties shall

be imposed.

ARTICLE XI

The Parties hereto agree that the provisions

of the present Treaty shall be applicable to all

parts of the territories of the United States

and China, whether they are known as Treaty

Ports or not, and that the citizens or subjects

of each of the Parties hereto shall have the

right to reside, travel, trade, hire or own

property, and to enjoy generally the protection

of their persons and property, in conformity

with the laws, decrees and usages there obtain-

ing, but they shall not in any case be exempted

from the payment of any taxes or imposts other

than those which are or may be imposed upon

citizens or subjects of the most favored nation.

ARTICLE XI

It shall be at the option of any Japanese subject desiring to convey duly imported articles to an inland market, to clear his goods of all transit duties by payment of a commutation transit tax or duty, equal to one half of the import duty in respect of dutiable articles, and two and half per cent upon the value in respect of duty free articles; and on payment thereof a certificate shall be issued, which shall exempt the goods from all further inland charges whatsoever. It is understood that this Article does not apply to imported opium.

ARTICLE XII

All Chinese goods and produce purchased by Japanese subjects in China elsewhere than at an open port thereof and intended for export abroad, shall in every part of China befreed from all taxes, imposts, duties, lekin, charges and exactions of every nature and kind whatsoever, saving only export duties when exported, upon the payment of a commutation transit tax or duty calculated at the rate mentioned in the last preceding Article substituting export duty for import duty, provided such goods and produce are actually exported to a foreign country within the period of 12 months from the date of the payment of the transit tax. All Chinese goods and produce purchased by Japanese subjects at the open ports of China and of which export to foreign countries is not prohibited shall be exempt from all internal taxes, imposts, duties, lekin, charges and exactions of every nature and kind whatsoever, saving only export duties upon exportation and all articles purchased by Japanese subjects in any part of China, may also, for the purposes of export abroad, be transported from open port to open port, subject to the existing Rules and Regulations.

ARTICLE XIII

ARTICLE XIII

taxes, imposts, duties, levies, charges and exactions of every nature and kind whatsoever, levied or to be levied on, collected or paid by, upon the payment of or the receipt by or on account of any Party hereto, other than (a) taxes on net income, net worth, net gains or net profits, and (b) taxes imposed on any payment to the extent that such taxes are imposed solely by reason of the existence of such Party or any Affiliate thereof in the taxing jurisdiction (other than any such existence solely by reason of this Agreement or any transaction contemplated hereby).

ARTICLE XIV

All Chinese goods and products manufactured by the Republic of China and exported to the open ports of the United States of America shall be entitled to the most favorable treatment accorded to like goods of any other country in respect of all matters relating to importation, sale, distribution and consumption.

ARTICLE XV

It shall be the duty of the Republic of China to establish or designate and maintain in each of the open ports of the United States of America an office or agency where all official communications and business relating to the Republic of China may be transacted with the local authorities.

ARTICLE XIII

Merchandise of a bona fide foreign origin, in respect of which full import duty shall have been paid, may at any time within three years from the date of importation, be re-exported from China by Japanese subjects to any foreign country, without the payment of any export duty and the re-exporters shall, in addition be entitled forthwith to receive from the Chinese Customs drawback certificates for the amount of import duty paid thereon, provided that the merchandise remains intact and unchanged in its original packages. Such drawback certificates shall be immediately redeemable in ready money by the Chinese Customs Authorities at the option of the holders thereof.

ARTICLE XIV

The Chinese Government consents to the establishment of Bonded Warehouses at the several open ports of China. Regulations on the subject shall be made hereafter.

ARTICLE XV

Japanese merchant vessels of more than 150 tons burden, entering the open ports of China, shall be charged tonnage dues at the rate of 4 mace per registered ton; if of 150 tons and under, they shall be charged at the rate of 1 mace per registered ton. But any such vessel taking its departure within 48 hours after arrival, without breaking bulk, shall be exempt from the payment of tonnage dues.

Japanese vessels having paid the above specified tonnage dues shall thereafter be exempt from all tonnage dues in all the open ports and ports of call of China, for the period of four months from the date of clearance from the port where the payment of such tonnage dues is made. Japanese vessels shall not, however, be required to pay tonnage dues for the period during which

they

ARTICLE XIII

Merchandise in a bonded warehouse, in respect of which duties and taxes have been deferred, may be withdrawn from warehouse for importation into China, or for re-exportation to any other port, subject to such regulations as may be established by the Chinese Government.

ARTICLE XIV

The Chinese Government consents to the establishment of Open Ports in China. Regulations governing Open Ports are given in the Annex to this Treaty.

ARTICLE XV

Chinese subjects shall be permitted to lease land or houses in Open Ports, and to rent rooms in hotels, for the purpose of trade or residence. Such land or houses may be leased for a period not exceeding thirty years, and may be renewed at the end of that period. The conditions governing rents shall be just and reasonable, and shall be arranged by the parties interested, with due regard to the circumstances of each case. Subjects of China shall not be permitted to build houses in the Foreign Settlements except by permission of the Land Regulations.

Merchandise imported into China from any other Open Port, and duties thereon paid, shall be entitled to a drawback of the duties paid, less 2 per cent. if the drawback is claimed within three months, and less 5 per cent. if claimed within one year, from the date of payment of duties. Such drawback shall not be claimed on account of duties paid on goods which have been lost by accident while in course of transit, or which are destroyed after importation.

they are actually undergoing repairs in China.

No tonnage dues shall be payable on small vessels and boats employed by Japanese subjects in the conveyance of passengers, baggage, letters, or duty-free articles between any of the open ports of China. All small vessels and cargo boats, however, conveying merchandise which is, at the time of such conveyance, subject to duty, shall pay tonnage dues once in 4 months at the rate of 1 mace per ton.

No fee or charges, other than tonnage dues, shall be levied upon Japanese vessels and boats, and it is also understood that such vessels and boats shall not be required to pay other or higher tonnage dues than the vessels and boats of the most favored nation.

ARTICLE XVI

Any Japanese merchant vessel arriving at an open port of China, shall be at liberty to engage the services of a pilot to take her into port. In like manner, after she has discharged all legal dues and duties and is ready to take her departure, she shall be allowed to employ a pilot to take her out of port.

ARTICLE XVII

Japanese merchant vessels compelled on account of injury sustained or any other cause, to seek a place of refuge, shall be permitted to enter any nearest port of China, without being subject to the payment of tonnage dues or duties upon goods landed in order that repairs to the vessel may be effected, provided the goods so landed remain under the supervision of the Customs Authorities. Should any such vessel be stranded or wrecked on the coast of China, the Chinese Authorities shall immediately adopt measures for rescuing the passengers and crew and for securing the vessel and cargo. The persons thus saved shall

receive

ARTICLE XVII

Vessels commercially engaged in the coasting trade between ports of China shall be allowed to employ a pilot to take them out of port.

In like manner, after due examination by the proper officers, vessels engaged in the coasting trade between ports of China, after having discharged their cargoes, may be permitted to load other goods at the same or other ports of China without being required to proceed to a foreign port or to return to the port whence they originally cleared.

ARTICLE XVIII

Chinese vessels of war, entering or leaving ports belonging to the United States of America, shall enjoy the same privileges, freedom and immunities that are granted to vessels of war of the most favored nation entering or leaving the same ports.

Chinese vessels of war shall have the right to procure in the ports of the United States of America whatever they may need, including coal, at the current rates. They shall be at liberty to purchase such articles only as are needed for immediate use.

Nothing in this Article shall be construed to allow merchant vessels to enjoy the privileges of vessels of war.

ARTICLE XIX

Vessels of war of the United States of America shall enjoy in the ports of China all the privileges in regard to harbor dues and charges that are granted to the vessels of the most favored nation.

receive friendly treatment, and, if necessary, shall be furnished with means of conveyance to the nearest Consular station. Should any Chinese merchant vessel be compelled on account of injury sustained or any other cause to seek a place of refuge in the nearest port of Japan, she shall likewise be treated in the same way by the Japanese Authorities.

ARTICLE XVIII

The Chinese Authorities at the several open ports shall adopt such means as they may judge most proper to prevent the revenue suffering from fraud or smuggling.

ARTICLE XIX

If any Japanese vessel, be plundered by Chinese robbers or pirates, it shall be the duty of the Chinese Authorities to use every endeavor to capture and punish the said robbers or pirates and to recover and restore the stolen property.

ARTICLE XX

Jurisdiction over the persons and property of Japanese subjects in China, is reserved exclusively to the duly authorized Japanese Authorities, who shall hear and determine all cases brought against Japanese subjects or property by Japanese subjects or by the subjects or citizens of any other Power, without the intervention of the Chinese Authorities.

ARTICLE XXI

If the Chinese Authorities or a Chinese subject make any charge or complaint of a civil nature against Japanese subjects or in respect of Japanese property in China, the case shall be heard and decided by the Japanese Authorities.

In like manner all charges and complaints of a civil nature brought by Japanese Authorities or subjects in China against Chinese subjects or in respect of Chinese property, shall be

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ARTICLE XXII

Japanese subjects charged with the commission of any crimes or offences in China, shall be tried and if found guilty, punished by the Japanese Authorities according to the laws of Japan.

In like manner Chinese subjects charged with the commission of any crimes or offences against Japanese subjects in China, shall be tried and if found guilty, punished by the Chinese Authorities according to the laws of China.

ARTICLE XXIII

Should any Chinese subject fail to discharge debts incurred to a Japanese subject or should he fraudulently abscond, the Chinese Authorities will do their utmost to effect his arrest, and enforce recovery of the debts. The Japanese Authorities will likewise do their utmost to bring to justice any Japanese subject who fraudulently abconds or fails to discharge debts incurred by him to a Chinese subject.

ARTICLE XXIV

If Japanese subjects in China, who have committed offences or have failed to discharge debts and fraudulently abscond, should flee to the interior of China or take refuge in houses occupied by Chinese subjects or on board of Chinese ships, the Chinese Authorities shall, at the request of the Japanese Consul, deliver them to the Japanese Authorities.

In like manner if Chinese subjects in China, who have committed offences or have failed to discharge debts and fraudulently abscond, should take refuge in houses occupied by Japanese subjects in China or on board of Japanese ships in Chinese waters they shall be delivered up, at the request of the Chinese Authorities made to the Japanese Authorities.

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ARTICLE XXV

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The Japanese Government and its subjects are hereby confirmed in all privileges, immunities and advantages conferred on them by the Treaty stipulations between Japan and China which are now in force; and it is hereby expressly stipulated that the Japanese Government and its subjects will be allowed free and equal participation in all privileges, immunities and advantages that may have been or may be hereafter granted by His Majesty the Emperor of China to the government or subjects of any other nation.

ARTICLE XXVI

It is agreed that either of the High Contracting Parties, may demand a revision of the Tariffs and of the Commercial Articles of this Treaty, at the end of 10 years from the date of the exchange of the ratifications; but if no such demand be made on either side and no such revision be effected, within 6 months after the end of the first 10 years, then the Treaty and Tariffs, in their present form, shall remain in force for 10 years more, reckoned from the end of the preceding 10 years, and so it shall be at the end of each successive period of 10 years.

ARTICLE XXVII

The High Contracting Parties will agree upon Rules and Regulations necessary to give full effect to this Treaty. Until such Rules and Regulations are brought into actual operation, the Arrangements, Rules and Regulations subsisting between China and the Western Powers, so far as they are applicable and not inconsistent with the provisions of this Treaty, shall be binding between the Contracting Parties.

ARTICLE XXVIII

The present Treaty is signed in the Japanese, Chinese and English

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ARTICLE XXVIII

The present Treaty is signed in the Japanese, Chinese and English

English languages.

In order, however, to prevent future discussions, the Plenipotentiaries of the High Contracting Parties have agreed upon that in case of any divergence in the interpretation between the Japanese and Chinese Texts of the Treaty, the difference shall be settled by reference to the English Text.

ARTICLE XXIX

The present Treaty shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China and the ratifications thereof shall be exchanged at Peking as soon as possible, and not later than three months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Peking this 21st day of the 17th month of the 29th year of Meiji, corresponding to the 11th day of the 6th month of the 22nd year of Kuang Hsü.

English language.

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In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Peking this 21st day of the 12th month of the 28th year of Meiji, corresponding to the 11th day of the 6th month of the 22nd year of Kuang Hsü.

Enclosure 2 in No. 2626.

Peking, 21st July, 1896.

Your Excellency:

With reference to the clause "the Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan" of the Article IX of the Treaty of Commerce and Navigation signed this day, I request it to be clearly understood that the Tariffs for American Ginseng shall equally be applicable to Japanese Ginseng.

I have the honor to be,

With the highest consideration,

Your Excellency's most obedient,

Humble servant,

(Signed) HAYASHI

His Excellency,

Chang Yen Hoon

Minister Plenipotentiary, Minister of the Tsungli Yamen,

Holding the rank of the President of a Board and

Senior Vice President of the Board of Revenue.

Enclosure 2 in No. 22.

Peking, 21st July, 1898.

Your Excellency:

With reference to the clause "the Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan" of the Article IX of the Treaty of Commerce and Navigation signed this day, I request it to be clearly understood that the Tariffs for American Ginseng shall equally be applicable to Japanese Ginseng.

I have the honor to be,

With the highest consideration,

Your Excellency's most obedient,

Humble servant,

(Signed) HAYASHI

His Excellency,

Chang Yen Hoon

Minister Plenipotentiary, Minister of the Tsungli Yamen,

Holding the rank of the President of a Board and

Senior Vice President of the Board of Revenue.

Peking, 21st July, 1896.

Your Excellency:

I have the honor to acknowledge the receipt of Your Despatch to the effect that with reference to that clause of the 9th Article of the Treaty of Commerce and Navigation signed this day in which it is provided that "the Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan or upon exportation from China by Japanese subjects or to Japan", Your Excellency requests that it be understood that the Tariffs for American Ginseng shall equally be applicable to Japanese Ginseng. In reply I beg to state that I have noted the same, and I have no objection.

I have the honor to be,
with highest consideration,
Your Excellency's most obedient
Humble servant,

(signed) 張蔭桓

Peking, 31st July, 1899.

Your Excellency:

I have the honor to acknowledge the receipt of Your Despatch to the effect that with reference to that clause of the 9th Article of the Treaty of Commerce and Navigation signed this day in which it is provided that "the Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan or upon exportation from China by Japanese subjects or to Japan", Your Excellency requests that it be understood that the Tariffs for American Ginseng shall equally be applicable to Japanese Ginseng. In reply I beg to state that I have noted the same, and I have no objection.

I have the honor to be,

with highest consideration,

Your Excellency's most obedient

Humble servant,

(signed)

Peking, July 21st, 1896.

Your Excellency:

In the Treaty of Commerce and Navigation concluded this day between China and Japan, provision has been made that the Japanese subjects in China are practically to be accorded the most favored nation treatment; but as to the treatment of the Chinese subjects in Japan upon which we have repeatedly had long, discussions, Your Excellency mentioned that none of the existing Treaties by China with the European Powers contained any provision for according most favored nation treatment to the Chinese subkects in their respective countries. I at once quoted the Austro-Hungarian Treaty as an example when Your Excellency argued that the Austrian Government could well afford to insert such clause in their Treaty with China, seeing there were few, if any, Chinese in that country. Now Your Excellency had some plausible reason for saying that the American Treaty containing a similar provision was not to serve as a guide since I find the Shimonoseki Treaty has stipulated that the Treaties, Conventions and Regulations subsisting between China and European Powers shall serve as a basis for this Treaty, but surely the Treaty of Austro-Hungary which is in Europe shall not be overlocked but should serve as a guide. During our conferences Your Excellency has repeatedly assured me that though it is not necessary to make express provision in the Treaty, Your Government would always accord most favored nation treatment to the Chinese subjects in Japan. The

His Excellency Baron T. Hayashi respect

Minister Plenipotentiary & Envoy Extraordinary

etc etc etc

Peking, July 21st, 1900.

Your Excellency:

In the Treaty of Commerce and Navigation concluded this day between China and Japan, provision has been made that the Japanese subjects in China are practically to be accorded the most favored nation treatment; but as to the treatment of the Chinese subjects in Japan upon which we have repeatedly had long discussions, Your Excellency mentioned that none of the existing Treaties by China with the European Powers contained any provision for according most favored nation treatment to the Chinese subjects in their respective countries. I at once quoted the Austro-Hungarian Treaty as an example when Your Excellency argued that the Austrian Government could well afford to insert such clause in their Treaty with China, seeing there were few, if any, Chinese in that country. Now Your Excellency had some plausible reason for saying that the American Treaty containing a similar provision was not to serve as a guide since I find the Shimonoseki Treaty has stipulated that the Treaties, Conventions and Regulations subsisting between China and European Powers shall serve as a basis for this Treaty, but surely the Treaty of Austro-Hungary which is in Europe shall not be overlooked but should serve as a guide. During our conferences Your Excellency has repeatedly assured me that though it is not necessary to make express provision in the Treaty, Your Government would always accord most favored nation treatment to the Chinese subjects in Japan. The

His Excellency Baron T. Hayashi

Minister Plenipotentiary & Envoy Extraordinary

etc etc etc

respect which we entertain for each other makes me believe in these assurances. Now this Treaty having been concluded the natural question arises as to the treatment by Your Government to be accorded to the Chinese subjects and Chinese merchant vessels in Japan. I trust Your Excellency will review what has been said during our conferences and favor me with a reply.

I have the honor to be,
with highest consideration
Your Excellency's most obedient
Humble servant

(signed) 張蔭桓

I have the honor to be,

with highest consideration

Your Excellency's most obedient

humble servant

(Signed)

Excerpts from Chinese Supplement and Chinese Treatment

of Peace Conference and Japan. I trust Your Excellency will forgive my not

replying to the Chinese suggestion with regard to the treatment

that should be accorded to the Chinese subjects in Japan.

Respect which we entertain for each other makes me believe it

these assurances. Now Mr. Secretary having read communication

Peking, 21st July, 1896.

Your Excellency:

On the 21st day of the 7th month of the 29th year of Meiji I have had the honor to receive from Your Excellency a despatch in which it is stated that the Treaty of Commerce and Navigation having been concluded, Your Excellency desires to know what treatment the Chinese subjects and vessels shall receive in Japan.

In our conferences of the treaty negotiation you have often spoken about the admittance of the most favored nation treatment of Chinese subjects in Japan, and which I have not been willing to insert in the treaty all along. My reasons for declining are: that recently my government have revised the treaties with most of the European and American States, and within a few years hence, the entire country of Japan will be opened to the residences, trade and travels of the subjects and citizens of these countries, and if the stipulation for the most favored nation treatment should have been inserted in the Treaty concluded today it must follow that the Chinese subjects in Japan shall receive all the advantages enjoyed by the subjects of these countries, when our revised treaties with them come into operation, while on the other side, your country is as yet not opened entirely and Japanese subjects enjoy only a limited liberty of residence and trade in the ports which are opened to foreign trade; those who are permitted to go into interior are restricted in their movements very much

His Excellency

Chang Yen Hoon

Minister Plenipotentiary, Minister of the Tsungli Yamen, Holding the rank of the President of a Board and Senior Vice President of the Board of Revenue.

Peking, 21st July, 1899.

Your Excellency:

On the 21st day of the 7th month of the 25th year of Meiji I have had the honor to receive from Your Excellency a despatch in which it is stated that the Treaty of Commerce and Navigation having been concluded, Your Excellency desires to know what treatment the Chinese subjects and vessels shall receive in Japan.

In our conferences of the treaty negotiation you have often spoken about the admittance of the most favored nation treatment of Chinese subjects in Japan, and which I have not been willing to insert in the treaty all along. My reasons for declining are: that recently my government have revised the treaties with most of the European and American States, and within a few years hence, the entire country of Japan will be opened to the residence, trade and travels of the subjects and citizens of these countries, and if the stipulation for the most favored nation treatment should have been inserted in the Treaty concluded today it must follow that the Chinese subjects in Japan shall receive all the advantages enjoyed by the subjects of these countries, when our revised treaties with them come into operation, while on the other side, your country is as yet not opened entirely and Japanese subjects enjoy only a limited liberty of residence and trade in the ports which are opened to foreign trade; those who are permitted to go into interior are restricted in their movements very much

His Excellency

Chang Yen Hoon

Minister Plenipotentiary, Minister of the Tsungli Yamen, holding the rank of the President of a Board and Senior Vice President of the Board of Revenue.

much by treaties and regulations. Thus there will be a great difference in the advantages that are enjoyed by the subjects of the respective countires.

Moreover, it is well known to Your Excellency that there is a case wgere the stipulation for the most favored nation treatment of the Chinese subjects having been made in the treaty of commerce and amity, it was found necessary afterwards to impose restrictions on them by enacting laws and regulations in view of the protection of the interest and maintenance of peace and order of the country which has granted such treatment.

As to the similar provision in the Treaty between China and Austro-Hungary, it can hardly be made an example in our case as the Chinese go very rarely to that country.

During our negotiations, I have repeatedly stated these reasons to Your Excellency and trust it is all clearly understood.

In regard to the question, "In what way the Chinese subjects and vessels in Japan will be treated", I beg to reply that unless the protection of the interest of the country, or the preservation of public peace and order demanded it otherwise, my government will accord to them just and equitable treatment and deal with them in amicable spirit.

I have the honor to be
with the highest consideration
Your Excellency's most obedient
Humble servant,
(signed) HAYASHI

Sincerely yours,

ISAAC (Signed)

I have the honor to be

Your Excellency's most obedient

humble servant,

Dating our negotiations, I have repeatedly stated

the Chinese to very fairly to that country.

Again-Hungary, it can hardly be seen as for example if our case

As to the limitation in the "extra" provision Chinese

to the country which can changed such treatment.

the protection of the interest and maintenance to peace and other

restrictions on that we ought specific just and legislations

to with [illegible] Chinese employees

a case where the application for the most favored nation treatment

to the Chinese employees never need such in the treaty to com-

merce and amity, it was found necessary officially to impose

Moreover, it is well known to your Excellency that there is

the respective countries.

difference in the wholesale rate that is employed by the employees to

much by treaties and regulations. Thus there will be a great

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BUREAU

ASSISTANT SECRETARY
DEC 7 1896
DEPARTMENT OF STATE

INDEX BUREAU
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DEPT. OF STATE

No. 2627

Legation of the United States

Peking, October 31st, 1896.

Mr. Denby to the

Secretary of State.

Subject:

The penalty of Li Hung-chang for entering Yuan Ming Yuan.

Synopsis:

It is fixed at the loss of one year's salary as Grand Secretary.

One enclosure.

No. 2627

Legation of the United States,
Peking, October 31st, 1896.

To the Honorable
Richard Olney,
Secretary of State,
Washington, D.C.

Sir:

In my despatch No. 2619 of the 26th instant I informed you as matter of news that the Grand Secretary, Li Hung-chang, had been turned over to the Board of Punishments for the determination of a penalty for having unauthorizedly entered Yuan Ming Yuan (the old summer palace).

1/2627 I enclose a translation of a decree

decree which defines his punishment which as "an extra act of grace" is fixed at a fine of one year's pay.

Less the sympathizers with the Grand Secretary should consider this penalty too heavy it is well to state that the pay thus forfeited amounts to only ninety tails a year. All the stipend received by His Excellency for all his posts, counting allowances as well as actual pay, amounts only to about $200. per annum. Li's friends here are very sore over this slight to him and various explanations are offered. Some say that His Excellency only paid the guard that admitted

him

him four calls, and that he became indignant at the small compensation and reported him in an aggravated manner. Others treat the matter as merely formal and cite precedents in which other distinguished men were punished for the same offense. There is no doubt, I think, but that this incident was wailed of by Li's enemies to gratify their jealousy and to show to the world that his influence in the Empire has been greatly overrated. China will never forgive him for his blunders in the treatment of the Corean question, nor for the Japanese war, and its humiliating results.

I

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure:

Translation of Imperial Decree.

Enclosure in No. 2627

A Decree issued by the Emperor of China on the 30th October, 1896.

The Board of Civil Office, in obedience to our commands, have now reported as to the punishment that should be inflicted on the Grand Secretary, Li Hung-chang, for unauthorizedly entering the Yuan Ming Yuan and strolling about looking at the place.

The punishment to be inflicted should be degradation, but as an extra act of grace, let Li Hung-chang be fined a year's pay. No commutation of this penalty will be allowed.